

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman  
Robert C. Haas, Police Commissioner  
Daniel Turner, Deputy Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts 02139  
Tuesday, March 9, 2010  
6:00 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday, March 9, 6:00 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you are the Commissioners: Chairman Richard Scali, Deputy Chief Dan Turner, and Commissioner Robert Haas.

MR. SCALI: Good evening everybody. The fire exits are here to the right and to my back left. That door at the back stays open at all times for fire exiting purposes.

MS. LINT: Please turn off your cell phones.

MR. SCALI: Motion to accept the minutes from the Decisionmaking meeting of March 4 and February 23. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: If we could take the officers first that would be helpful, Mrs. Lint.

MS. LINT: Sure. At the bottom of Page 2: Mohsen Haridi, driver of Cab No. 244 is appealing the 90-day suspension of his Hackney license. That actually is 60-day because after hearing I had reduced it to 60.

MR. SCALI: All right, Mr. Haridi, have a seat, please, and Officer Arcos.

MR. SCALI: If Mr. Haridi wants to present witnesses, we can certainly do that. So if you have a seat right there we'll call people up one at a time as we need to do that.

We're going to start with Officer Arcos, please.

OFFICER ARCOS: Good evening. My name is Officer Antonio Arcos. On February 17, 2010, at approximately 15:20 hours the Hackney office received a complaint from a concerned citizen that driver of Cambridge Cab 244 was urinating in public in the parking lot of 650 Cambridge Street.

The concerned citizen stated that on

the above date and time at approximately 15:10 hours Cambridge Cab 244 pulled into the employees' parking lot at 650 Cambridge Street. The driver then exited the cab and urinated on the ground. She described the driver as being a tall white man in his late-40s or early-50s with a mustache.

During my investigation I learned that the driver of Cab 244 is one Mohsen Haridi, Cambridge Hackney license 27256. I spoke with him about the incident and he denied having urinated in public in the parking lot of 650 Cambridge Street. I advised him that the person making the complaint had detailed information about the cab and the driver, and it would not be wise to deny an event which there was an eye witness. Mr. Haridi again denied having done so and he told me that someone is after him. At that time I advised him to be in the Hackney office on Thursday, February 18 at 9:00 in the morning.

A short time later I received a call from Mr. Haridi. During the telephone conversation he admitted urinating in the parking lot of 650

Cambridge Street. He stated that he was sorry but he felt sick and had no choice other than relieving himself right there. I asked him why he had lied to me not once but twice. He said that he did so to see if he could get away with it. At that time I advised him to be in the Hackney office the next morning at 9:00 in the morning.

This is the next second time in the course of six months that this office has received a complaint on Mr. Haridi. On the first complaint he received a 30-day suspension on his Cambridge Hackney license. At this time it was my decision to suspend his Cambridge Hackney license for 90 days. I advised Mr. Haridi that he has the right to appeal my decision to the Executive Officer, Ms. Elizabeth Lint, within seven business days.

Since then we have had the hearing and Mrs. Lint had reduced the suspension from 90 days to 60 days.

MR. SCALI: What was the first offense for, do you know?

OFFICER ARCOS: He had a friend call

the Hackney office and make a false police report.

MR. HAAS: And that was substantiated, that complaint?

OFFICER ARCOS: Yes.

MR. SCALI: Is the concerned citizen here, do you know?

OFFICER ARCOS: No, she is not.

MR. SCALI: Mrs. Lint, anything you want to say?

MS. LINT: Yes. There were two things that were problematic to me. The first thing clearly was the act itself, which could have been a criminal complaint application to the District Court, but also, his lying to the officer on more than one occasion.

MR. SCALI: So you felt that the 60 days was justifiable from the evidence you heard?

MS. LINT: Yes.

MR. SCALI: How long has he been a cab driver?

OFFICER ARCOS: He's been driving since 2000.

MS. LINT: I would add that in 2004 he had a fine for a short fare refusal. In 2009, he was ordered to stay away from one of the other drivers at the Marriott Hotel, in addition to the 30-day suspension.

MR. SCALI: Were there consequences to those actions?

MS. LINT: There was a fine.

MR. SCALI: He was fined.

MS. LINT: Yes.

MR. SCALI: That's not in the log?

OFFICER ARCOS: Yes. The first time he was fined with \$25, and then he was fined -- he was just banned from the Marriott Hotel.

MR. SCALI: Banned from the Marriott Hotel?

OFFICER ARCOS: On the second complaint.

MR. SCALI: For what reason?

OFFICER ARCOS: It just said to stay away from another driver that they played the Marriott Hotel taxi stand.



MR. SCALI: Questions of the officer?

MR. HAAS: No question.

MR. TURNER: No questions.

MR. SCALI: Anything else you want us to know, Officer Arcos?

OFFICER ARCOS: No.

MR. SCALI: Mr. Haridi, tell us what you want us to know about your appeal.

MR. HARIDI: I'm appealing because I have family. I have kids, I have a wife, I have a lot of expenses. I don't deserve this punishment. I was honest with him. I told him I was sick; I had the flu. I got the flu and I was drinking a lot of liquid. I stopped by a Shell gas station; the bathroom was out of order. I stopped by the second one at the liquor store and the bathroom was closed, out of order. The guy at the liquor store said to go around in the parking lot, which is 660. It's not 650 Cambridge Street, and nobody see me.

MR. SCALI: Obviously somebody saw you because some lady called and complained about you.

MR. HARIDI: Officer Tony said they

videotaped you. I want to see the videotape. There's no videotape, no evidence. Why they call the Hackney? Why doesn't call the police, first of all? There's no police report about it. If I got caught, the police are going to give me a fine of \$50, or I get arrested at the spot, which doesn't happen.

MR. SCALI: It's a whole different process criminally. That would be a whole different court action and complaint system, and you'd be called before the clerk magistrate. Actually you're lucky that didn't happen.

MR. HARIDI: I was honest. I said it. There's no bathroom in the cab. I got to go, I'm sick. I was drinking water and Gatorade all day. What I'm going to do? I wear diapers when I'm sick and driving a cab to make living. I have family. I've got to make my living. How I'm going to support three boys in college, a wife, rent, phone, insurance, and all this? How I'm going to do it with two months suspension? This is the only job I have. What I'm going to do now? I'm backed up

with my bills now.

MR. SCALI: Did you say there were no bathrooms?

MR. HARIDI: There was a bathroom in the liquor store. I went inside to ask him to use it, and he said no, it's out of order. There were two places I stop. Shell gas station was out of order. Even in the liquor store if you ask him, his name is Victor. If you ask him, I went inside and I ask him. He said it's out of order. Go in the parking lot in the back. I don't have no choice. What am I going to do; pee on myself in the cab? Then get a customer then they smell the urine in the cab. I can't. I was sick.

MR. SCALI: We do have a new rule that was passed last year or the year before that; that you can park on a cab stand for 15 minutes and go and find a bathroom. You couldn't find a bathroom in Cambridge anywhere?

MR. HARIDI: I don't. I was in Cambridge and I was going home to give it to my night driver, but I don't have no choice. I can't.

With my hands I was holding it. I don't want to drive peeing myself in my pants. When you're sick, you're sick, and I was sick. I swear I was real sick.

Even I have my friend sitting in the back. He was sitting with me at 5:00 in the morning. I was throwing up. He can tell you. He was sitting with me in my cab and he said Mohsen, you don't look good. I open the door and I start throwing up at the cab stand. Even I told the officer about it. I was sick and I'm working, trying to make a living. If you're sick, you stay home but you get a paycheck. For me, I don't get a paycheck every week. I have daily. That's why I depend in it.

MR. SCALI: I think what makes it more complicated is that it's not the first offense, alleged offense. You've got a little bit of a history on the books. I don't want to go into details about those. Those are old offenses and we can't re-create the past. I'm just saying that those are on the books as offenses, three previous

offenses. Questions of Mr. Haridi?

MR. HAAS: You're opening statement was that you were honest with the officer. Did you deny it the first two times he asked you?

MR. HARIDI: Yeah.

MR. HAAS: So you weren't honest the first two times he asked you?

MR. HARIDI: Yeah.

MR. SCALI: Any questions?

MR. TURNER: No questions.

MR. SCALI: Anybody else you want us to hear from, Mr. Haridi?

MR. HARIDI: What I'm going to say?

MR. SCALI: Anybody else that wants to speak for you?

MR. HARIDI: I got the owner of the cab; he can tell you about my reputation. I work for him for two years. I got all my friends, all the cab drivers here. They can tell you I'm nice or not. What else I can do? My wife, she's sick at home. She can't even come over to explain to you.

MR. SCALI: Does anybody else want to be heard on this matter? These two gentlemen in the back and then Mr. Gervais. You've got to come up here. Sorry to make you walk up. Give us your name, please.

MR. MEKKI: Mekki, M-E-K-K-I.

MR. SCALI: And you are a driver?

MR. MEKKI: A cab driver, I used to be.

MR. SCALI: You used to be a cab driver?

MR. MEKKI: Yeah.

MR. SCALI: So you don't drive in Cambridge anymore?

MR. MEKKI: For now, no.

MR. SCALI: Where do you drive?

MR. MEKKI: Where?

MR. SCALI: Yes. Do you drive in Boston or something?

MR. MEKKI: No. I work in Kennedy. I work at a shoe store.

MR. SCALI: So you're not a cab driver

anymore?

MR. MEKKI: No, I'm not.

MR. SCALI: What do you want us to know?

MR. MEKKI: I heard what you said and all I want to say is like if you want, for his family, not for him, to give him a break for the last time. Because he work hard for his family. I know him for a long time, for like six years. He's my best friend. He's like my family. We are from different country but he's my best friend. I like his way, he's a very nice person. But most people who drive cab they don't like him. The reason why -- it's a stupid reason actually. I'm always with him because I know he's always in the right way.

You know, all people can do something wrong. Anyone can do something wrong. But after that you have to know you do something wrong and you have to try to do the best that you can to like to make your life complete about good things. That's all I want to say. Give him a break for

now, for last time, please.

MR. SCALI: Thank you.

Yes, sir. Tell us your name.

MR. BELDJOUHAR: Beldjouhar, B-E-L-D-J-O-U-H-A-R.

MR. SCALI: Any you are a cab owner, driver?

MR. BELDJOUHAR: I'm still driving a cab.

MR. SCALI: In Cambridge?

MR. BELDJOUHAR: Yeah.

MR. SCALI: What do you want us to know?

MR. BELDJOUHAR: As a cab driver I have an experience people complain sometimes. You're frustrated. You have no control of yourself doing something. I just want to say about the lie. He might lie something to get away with it. It's not a big crime for him to lie about that and then admit it doing it.

MR. SCALI: Thank you very much.

Yes, sir. Tell us your name.



MR. LABIDI: Abraham Labidi.

MR. SCALI: Are you a cab driver?

MR. LABIDI: I am.

MR. SCALI: In Cambridge here?

MR. LABIDI: Yes, in Cambridge.

MR. SCALI: What do you want to tell us?

MR. HARIDI: Speaking to the word what he said about having a witness during the time he said he throw up. I was the witness at that time. It was basically the morning. I was sitting with him in his cab. He was badly. He was hurt, stomach ache, something happened. He was throwing up. I'm the witness who was there at the time. That's what I been called to be a witness.

Regarding that matter, as a cab driver when it comes to -- I've been driving a long time in Chicago. I just want to say this thing to you gentlemen, if you understand it. When you want to go I'm hot blooded. Many times I've done it in my pants. If you can't understand a cabbie this age, which is probably older than you all, trying to

work hardly. He's sick, he cannot control it. I mean give him mercy. He cannot. If I was caught by you, sir, I'd be telling you I'm sick, but I can't win the case. I'm sick, I cannot hold it. This is by the government USA. He's sick, he's sick.

We all was hurt. We all was suffering from this kind of sickness, which is we cannot. We get stuck. That's the only thing I can say. That's not that big of a deal. The gentleman haven't committed a crime or something. He just looking forward to give him mercy, give him back his Hackney so he can support his family. Gentlemen, that's all I can say.

MR. SCALI: Thank you very much, sir.  
Mr. Gervais.

MR. HARIDI: He worked with me as a dispatcher at Checker Cab. I used to be a dispatcher at Checker Cab and Classic Cab. So I've been a long time. Mike used to work with me. He can talk.

MR. SCALI: We know Mr. Gervais.

MR. GERVAIS: I'm going to move this chair. I have a bad leg. I have a disability and it hurts me to stand. Is it all right? Would I be breaking any rules or anything?

MR. SCALI: No, sit down. We always encourage anyone to sit down. Pull up a chair.

MR. GERVAIS: My name is Michael Gervais. I've been involved in the cab industry for some time. I've known Mr. Mohsen from when he first started driving a cab. I don't want to make any disillusions about it. Mr. Mohsen is not a Boy Scout. We're not here to talk about if he's cab driver of the year or not. But I'll tell you one thing, every single one of the Commissioners that's been here about this taxi school that's being turned over about new things, we've got 20 or so drivers every month going through. They go through them like water.

So for a cab driver to last 12 years, for a cab driver to become what others consider a veteran hack, et cetera, someone who works seven days a week the entire year, and never totaled cab,

that's what I know because I've worked in the offices of two cab companies, never totaled a cab, gives good service; and as far as fare evasions and these types of things, make sure you take a look at what goes on down at the Marriott stand.

Newly come to the Hackney office, Officer Arcos, a great step for the cab industry because it was very hard for one person to try to do things. But that Cambridge Marriott, you have a lot of things going on there. There's a lot of problems there. There's constant fighting, people backing up the stand, et cetera, et cetera, and it's sort of survival of the fittest. So you're going to run into problems down there. It always happens down there. He's not the only person who fights there. I'm sure they have many complaints about Mr. Mohsen from other drivers down there. Any veteran drivers that play that stand, which these guys did. they'll let you know that.

Mr. Mohsen also manages three cabs for an owner, and that's a huge responsibility because you have to be in charge of two drivers for

each cab, et cetera, et cetera. Why someone denied that they did something like this? He's not a young kid. The man has a family, he was ashamed that he did that. But to take a person's livelihood away for two months in a recession, a man with family, there's got to be another way. There's got to be a better way. There's has to be a way where we can put this person on probation, et cetera.

As far as the rules go, the new rules that have come in, if somebody wanted to get -- I was just told recently they can get that on the Internet, but for those who don't have the Internet, we can't even get a copy of that book because it's not in print yet. Ms. Lint, the Executive Officer is still working on these things.

There are many things that we'd like to do. I want to see the guy back out there and working. This is all he knows.

MR. HARIDI: I have the owner of the cab here.

MR. GERVAIS: This is all he knows

too, and this is what he does. Let him get back out there. He's been doing this 12 years. Let him work. Put him on probation. Do what you need to do there, but to take someone out and to punish him this way, I really don't think that's going to be a productive thing. I appeal to you to have some mercy in this situation.

If there's any faults at all and constructive criticism I'd like to say about Officer Szeto, the executive Hackney officer and Tony Arcos, the assistant Hackney officer, is that sometimes they like to dole out a little punishment and write tickets out and do things like this. these cab drivers don't have any 401(k) plans. Bernie Madoff took all our millions away from us. They live week to week, so when you're out for two months you have absolutely nothing. And if you can't think of him think of his kids. Think of his kids he's got in school he's got to pay for, et cetera.

I'm willing -- I'd put my butt on the line for all cab drivers. I'm willing to vouch for

this guy and keep an eye on him, and stuff like that too. And I know I know plenty of other people that would too. Like I said, he's no Boy Scout, but he's a cab driver. Please consider this. The License Commission, especially you, Chairman Scali, you've always been kind and forgiving in many ways, and I think that perhaps we might think of another kind of punishment.

MR. SCALI: Thank you, Mr. Gervais. Anybody else want to be heard on this matter?

MR. HARIDI: Do you want to hear the owner of the cabs?

MR. SCALI: If he wants to speak, of course. Just tell us your name, please.

MR. GUSTAV: Occean, O-C-C-E-A-N.

MR. SCALI: What's your full name?

MR. GUSTAV: Gustav, G-U-S-T-A-V.

MR. SCALI: So you own this medallion? What medallion number is it?

MR. GUSTAV: No, I don't own it. I lease it.

MR. SCALI: Who is the owner?

MR. GUSTAV: Ray Walsh.

MR. SCALI: So Mr. Haridi is a driver for you?

MR. GUSTAV: For almost two years.

MR. SCALI: What do you want us to know about him?

MR. GUSTAV: Like Mr. Mike just told you, when you're a cab driver what used to make last year, the same day you cannot make it his year. Like when you're out for two months it's going to be very hard. I'm not come in here to stand against your decision, but I just come in here to support him, to let you know it is very hard for him. But if you can reduce the punishment for him you're going to do a very very good thing for him.

MR. SCALI: Thank you very much.  
Anybody else? Questions, Commissioners?  
Discussion?

MR. HAAS: I'm just hoping that I can impart upon you a couple of things. One, lying to the officer is what the offense is. I think if you



had been upfront it would mitigate it.

MR. HARIDI: I apologized to him.  
I said I'm sorry.

MR. HAAS: I understand what you're saying about the hardship to your family but that's your responsibility, right. And you have to conduct yourself in a way that's not going to jeopardize your license. So to now put it back on the Commission and say it's the Commission's responsibility about your family, I disagree. You have responsibilities, not only to yourself, but to your family. I can't be sure that if we're going to give you a break I'm not going to see something like this again.

MR. HARIDI: I promise it's not going to happen again.

MR. HAAS: We had a conversation, and Mr. Gervais knows this about cab conduct and how important it is to the industry, and this kind of behavior is not conducive to the kind of behavior we've been trying to get the cab drivers to abide by.

MR. HARIDI: I never did it before.

MR. HAAS: It doesn't make any difference. It's offensive, people don't like to see it, and you're representing an entire industry. That's all I have to say.

MR. SCALI: Comments?

MR. TURNER: No comments.

MR. SCALI: Motion.

MR. HAAS: I make a motion to take this under advisement.

MR. SCALI: Motion to take the matter under advisement.

MR. TURNER: Second it.

MR. SCALI: Moved and seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We're scheduled to vote April 6 at 10:00 a.m. You don't have to be here for that but you're welcome to be here if you wish to be here. We'll take the matter under advisement and we'll decide on that date.

MR. HARIDI: April 6?

MR. SCALI: April 6, yes.

MR. HAAS: What's the status of his license now?

MS. LINT: We have it.

MR. HAAS: So is it suspended or is it active?

MR. SCALI: So you're not driving?

MR. HARIDI: No.

MR. SCALI: Officer Arcos, when was it taken? Has it been a number of weeks already?

OFFICER ARCOS: It was taken on February 18.

MR. SCALI: So it's been three weeks?

MR. HARIDI: Yeah. I don't know how I'm going to feed my family until April.

MR. SCALI: So I guess --

MR. HARIDI: Can I have my --

MR. SCALI: Hold on. This is part of the problem. You're doing a lot of talking and not a lot listening. You might be getting a break here so you'd better start to listen. I guess it would

be counterproductive for we decide to have it be suspended between now and then. It's almost two months at that point, April 6.

MR. HAAS: I would offer to restore the license until we make the decision. But I would tell you very strongly that if we have another episode with you between now and the time we make our decision you'll make our decision easy for us. So my motion would be to restore your license on a provisional basis; that if we have another episode between now and the time we make our decision, we will take the license again.

MR. HARIDI: But I can get it now so then I can make a living?

MR. GERVAIS: That's what he's saying.

MR. SCALI: If we vote it, yes. So the Commissioner's motion is to restore the license until we make our decision on April 6. Discussion?

MR. HARIDI: Okay, thank you.

MS. LINT: There's been no vote yet.

MR. SCALI: Sit down please. Moved by the Commissioner.

MR. TURNER: Second it.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: So Officer Arcos, you can give him back his license until April 6 on a temporary basis until we make our decision.

MR. HARIDI: Thank you very much.

MS. LINT: Appeal: Odieu Guillaume, a licensed Hackney driver in Cambridge, for a \$25 citation issued by Officer Szeto for a cab stand violation.

MR. SCALI: Officer Szeto, good evening. Is Mr. Guillaume here?

OFFICER SZETO: I saw him. Maybe he went to put some money in the meter.

MR. SCALI: We'll do a second call, Officer, if you wouldn't mind waiting.

OFFICER SZETO: No problem.

MS. LINT: Review: The License Commission will review the pledge agreement between Everest Crossing, LLC d/b/a OM Restaurant, 57 JFK Street, Solmon Chowdhury, owner, and Crimson Galleria Limited Partnership, Raj Dhanda.

MS. LINT: I did receive a phone call from Attorney Steven Miller who was just retained today by Mr. Dhanda. He's unable to be here because he has a personal emergency, and did ask that it not be heard. Perhaps the Chairman feels a little bit differently. But he's confident that by coming in to see me that we might be able to resolve some of the problems.

MR. SCALI: Can you fill in the Commissioners about the issue at hand? I guess they might not be as up to date on what you've been discussing with Mr. Chowdhury.

MS. LINT: As a result of a bankruptcy that Mr. Chowdhury was basically forced to enter into I pulled the pledge agreement and reviewed it and came up with some things that I found rather disturbing. The pledge was approved approximately

five years ago. I know I was not here at the time so I did not review it. One of the clauses in it puts a lien on the liquor license and says that if the landlord so elects in writing by notice to tenant of all of tenant's interest in license shall revert to the landlord. That's a violation of 138 Section 2.

MR. SCALI: That's actually in the lease agreement or is that the pledge agreement, or is it a combination thereof?

MS. LINT: It's in the lease agreement and then the pledge agreement as well, and the security agreement. The debtor will not transfer or sign the liquor license to any person other than the secured party, which is a violation. And if there's a default that the debtor will cooperate with and assist the secured party in transfer of the liquor license to the secured party.

MR. SCALI: Which is the landlord?

MS. LINT: Yes, which is also a violation.

MR. SCALI: Mr. Chowdhury, are you



familiar with these clauses in your lease and agreement?

MR. CHOWDHURY: Solmon Chowdhury, owner of Everest Crossing, LLC d/b/a OM Restaurant and Lounge. Back in 2004, December of 2004, when we signed our lease we are two young people from Cambridge and Somerville that wanted to open a restaurant in Harvard Square. We fell in love with this space at 57 JFK Street. It was like candy handed to a little kid. We basically didn't know a lot of the rules and regulations.

In terms of when we were signing our lease, one of the requirements the landlord made was that we purchase or we borrow the money from the landlord to purchase the liquor license. Not only he negotiate the liquor license with the seller at the closing -- we actually found this out just recently because our filing of Chapter 11. The landlord's counsel actually charged us a \$25,000 commission which was not on the purchase and sale agreement that was signed by us.

MR. SCALI: A \$25,000 commission to do

what; to buy the license?

MR. CHOWDHURY: To buy the license which was never told to us. At the closing, at the settlement there was a \$25,000 commission.

So that was one of the requirements for us to sign the lease and there are a lot of other things in terms of the pledge on the liquor license that was tied into the lease, also into all the improvement in the restaurant.

So over the years we had a lot of difficulties with the landlord in terms of working things out. Because of the liquor license he terminated our lease about three times so far.

MR. SCALI: Why did he terminate the lease?

MR. CHOWDHURY: Apparently we missed some payments.

MR. SCALI: Did you actually miss them? Let me see if I can understand. In order to get the license he forced you to borrow money from him to buy the license, although you didn't want to do that; is that what you're saying?

MR. CHOWDHURY: Absolutely not. In 2004, when we wanted to open the restaurant we spent about \$2 million, all our personal savings from our own pocket. We didn't borrow money from anybody. The only money that we had to borrow was for the liquor license and that's because it was forced onto us.

MR. SCALI: So you had the cash, or the money to pay him and he didn't want to take that.

MR. CHOWDHURY: Absolutely.

MR. SCALI: He wanted to have a security or pledge on that license so he loaned you the money to get that license?

MR. CHOWDHURY: Yes.

MR. SCALI: And he had an approved pledge from us; right, Mrs. Lint?

MS. LINT: Yes.

MR. SCALI: But with the conditions you mentioned in there that are in violation.

MR. CHOWDHURY: And recently a few other things we tried to do is we tried to sell our

liquor license to a third-party to pay off whatever, or transfer anything. Because of that he actually made objections, he stopped us from selling it. I have e-mails, termination letters, pleadings to bankruptcy court that his attorney filed in terms of an objection to sell.

MR. SCALI: Are you in default of payments to him?

MR. CHOWDHURY: According to him we are but according to court we are not. So it's what he says is basically he doesn't care what the court says or what the laws are or anything. He basically wants to believe what his beliefs are and he wants to force that belief among us.

MS. LINT: I can probably shed a little light on that. In the bankruptcy case one of the issues that came up is that the landlord said he was owed money for common area charges, but the lease gives him a specific timeframe that he has to present a bill to the tenants in order to pay that. He was years beyond the timeframe that he should have presented them with the bill and

then was saying that they were in arrears. The court said that they didn't owe him anything.

MR. SCALI: I'm not so concerned about the common area charges. I'm talking about the agreement to buy the liquor license; that's the only thing we have power over.

MR. CHOWDHURY: The reason that's because it's tied with the lease so he basically puts everything as a package.

MR. SCALI: So you pay a monthly lease rate to him which includes payment on the loan?

MR. CHOWDHURY: Yes.

MR. SCALI: And is he saying that you're behind on that payment?

MR. CHOWDHURY: Yes, that's what he's saying.

MR. SCALI: And you're saying you're not.

MR. CHOWDHURY: No. We have been trying to get a payoff from him to pay off the lien, he wouldn't let us. The only way is the license has to go back to him also, has to go back

to the building. That's his other issue.

MR. SCALI: Anybody here from the landlord's office at all?

MS. LINT: No.

MR. SCALI: Mr. Miller has been retained and he's wishing for a continuance.

MS. LINT: Yes, as of today.

MR. SCALI: Questions?

MR. HAAS: So the restaurant is closed I'm thinking; right?

MR. CHOWDHURY: No, not at all.

MR. HAAS: You're still operating?

MR. CHOWDHURY: Absolutely. The only reason we had to file for Chapter 11 protection is because our landlord was basically forcefully trying to take over the restaurant because of the pledge on the liquor license.

MR. HAAS: Where does the case stand now?

MR. CHOWDHURY: We are probably about a month away from getting out of it. We already have the approval from court.

MR. HAAS: Getting out of what?

MR. CHOWDHURY: Basically getting out of Chapter 11 and doing business as normal.

MR. HAAS: So we're back to normal operating?

MR. CHOWDHURY: Yes. The court already made a decision when he tried to terminate our lease because of non-payment or whatever, it's not valid. So basically enforcing our lease but we're still going back to the same area where our lease is all tied into our liquor license where we're not allowed to sell.

MR. HAAS: I guess my question to Ms. Lint is, if we have a violation or believe we have a violation of the law, is this the forum in which to entertain --

MS. LINT: The problem is that the Board that was here at the time approved the pledge. I think you have the power to say that you made a mistake and disapprove it at this point.

MR. SCALI: To cancel the pledge.

MR. HAAS: What would the implication

of that be?

MS. LINT: You have an unsecured loan.

MR. SCALI: Of which the landlord could go back to court to try to enforce the pledge.

MS. LINT: The landlord's counsel seemed to indicate that if we had a conversation this week we could probably come to some resolution.

MR. HAAS: So you're getting the sense that they acknowledge it's a potential violation of the law?

MS. LINT: I suspect.

MR. HAAS: No further questions.

MR. SCALI: This goes back to a very old issue which is landlord's control over licenses. I think many people that are in the audience have heard this before: Landlords cannot have the power over the licenses. They can't decide who gets them, who doesn't get them, and they can't hold them for their building. The only thing they can do is loan you money for the



purchase of the license or refurbishing or renovation of the premises itself, and get a pledge on the license. That's the only thing they can do under our pledge agreement.

If this is in deed true what you're saying, we need to make it very very clear to this particular landlord and any other landlord that we're not going to enforce illegal pledges and illegal agreements with tenants. So it may very well be that he loses the right to the pledge on that particular agreement; however, that brings you back to court I'm sure, unless you come to some arrangement with him.

MR. CHOWDHURY: Right.

MR. SCALI: Does Mr. Miller want to appear before us at some point to discuss this? Or, do you think this will be decided --

MS. LINT: I think that's to be determined.

MR. SCALI: I guess I would suggest a continuance on the matter. I'd like to hear from Mr. Miller and the landlord himself. I'd like to

have him appear. I think there's a need for him to be here to explain exactly what his intentions are. Because there are other rumors about this particular building that seem to be disturbing to me anyway. I don't know about what's happening there with other tenants. I'm not quite sure what they are.

MS. LINT: As you know, it caused me to pull other documents for other establishments in the building and there is a lease that very clearly says that upon termination of the lease that all the rights and the license revert to the landlord.

MR. SCALI: There may be other licensees with the same type clauses.

MS. LINT: In a lease without a pledge.

MR. CHOWDHURY: If I may?

MR. SCALI: Yes.

MR. CHOWDHURY: I think there are a few other hearings inside that building. Can we put those on hold until all our issues of the build

are solved?

MR. SCALI: We'll take those up one by one and decide what the issues are.

Is there anybody else that wants to be heard on this matter with regard to OM? No hands.

MR. HAAS: I make a motion to continue this matter.

MR. SCALI: Motion to continue this matter. Particular date, the 23rd. Can we do March 23?

MR. HAAS: Is that the light date or the heavy date?

MS. LINT: We don't have anything too heavy coming up.

MR. SCALI: Will you be here at that hearing?

MR. HAAS: It depends.

MR. SCALI: Continued to March 23.

Moved.

MR. HAAS: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: And at that point, Mr. Miller and Mr. Dhandra should be here in attendance. Thank you very much.

MR. CHOWDHURY: Thank you.

MR. HAAS: Do we have to do any other research on this or are we hearing this the way it is right now?

MS. LINT: I was considering calling Bill Kelly at the ABCC to get his take on it.

MR. HAAS: Okay.

MS. LINT: Application: Continued from February 23, 2010. Disciples, LLC d/b/a Bull BBQ, Daniel Shin, Manager, has applied for a new All Alcoholic Beverages as a Restaurant license at 57 JFK Street, basement level, with 95 seats. Proposed hours of operation are Sunday through Wednesday from 11:30 a.m. to 11:00 p.m. and Thursday through Saturday from 11:30 a.m. to 1:00 a.m. Applicant is also applying for an Entertainment license to include an audio tape machine/CD playing music below conversation level. This is located in Cap No. 1.

MR. SCALI: Bull BBQ. Have a seat gentlemen. Tell us who you are for the record, please.

MR. KIM: Attorney Yan Kim representing Disciples, LLC.

MR. SHIN: My name is Daniel Shin. I'll be a manager at the restaurant.

MR. KIM: Thank you very much. I do have the green cards.

MR. SCALI: Before you even begin,

this is the building that we were just talking about.

MR. KIM: It's bad timing for us.

MR. SCALI: It doesn't seem like the best time to be going forward with an application. As I understand it, there are a couple of licenses for sale. I think there's three licenses for sale on that building; right?

MS. LINT: Three.

MR. SCALI: I can't see how we're going to entertain a new application for a Beer and Wine license at this point, but I guess if you want to make an argument to that effect, you're welcome to.

MR. KIM: The case we have, I heard what was going on in this case where the landlord was controlling the license dating back to 2004/2005. This is a brand-new no value, non-transferable Beer and Wine license we are trying to apply. Additionally, there used to be the same Beer and Wine license at that location, the basement location. Shi Low Restaurant used to be

there. We're not asking for a brand-new license in another location, we are asking for the same non-transferable, no value license in that case.

We do have Mr. Shin who has been working in the restaurant industry for the past three years, and the principals of the LLC have combined experience of about 20 years. They are successfully operating a restaurant in the Allston area also.

MR. SCALI: My question to you is, before you go forward with the whole application you need to convince me and the Commissioners that there's a need for another new license there when there are three for sale in the building, two full alcohol licenses and one Beer and Wine already for sale.

MR. KIM: I don't think there was a Beer and Wine license available for that building.

MS. LINT: Yes, there is.

MR. KIM: There is?

MS. LINT: Wagamama.

MR. KIM: My client was approached for

a full liquor license, which is more the type of license we are trying to pursue. If that's the case, we can definitely reconsider.

MR. SCALI: I think you got caught in the crossfire of a problem in that particular building that's not your fault at all. It sounds as if we need to straighten out what's going on in that building, speak to Mr. Dhanda first.

MR. KIM: We can continue the matter?

MR. SCALI: He's keeps kicking everybody out of the building and licenses are for sale, and you all are trying to apply for new licenses, and that just makes no sense. I'm not really prepared to hear your application at this point.

MR. KIM: That's fine.

MR. SCALI: Until Mr. Dhanda appears and explains what he's doing. Anything else, Commissioners?

MR. HAAS: No.

MR. SCALI: Does anybody else want to be heard on this matter? Tell us who you are.



MR. KAPOOR: I'm Vic Kapoor from Tamarin Bay across the street. I had approached the owners --

MR. SCALI: Can you come forward?

MR. KAPOOR: I've been running a fairly successful restaurant for about five years. We haven't had any alcohol, liquor problems; however, maybe five percent of our sales is alcohol sales, and maybe 80 percent beer and wine. So one of the things I suggested is that we would be open to getting a Beer and Wine if they would be willing to buy our liquor license, which we bought for \$350,000 not too long ago.

MR. SCALI: The license you have is across the street from them?

MR. KAPOOR: Yes.

MR. SCALI: So you're looking to sell your Beer and Wine?

MR. KAPOOR: Yeah, or exchange. Sell my full liquor and get a Beer and Wine instead of that so that we could operate with a Beer and Wine with a 50 seat restaurant and give to --

MR. SCALI: It's complicating the matter even more.

MR. KAPOOR: It is, but that's an option available to them especially if Wagamama or somebody -- so I wanted it to be heard so that it's on the record. So there are four licenses.

MR. SCALI: We have to straighten out what's going on at 57 JFK first before we start considering transferring licenses across the street and all that. So motion to continue this matter.

MR. HAAS: Mr. Chair, would we be able to hear this on the 23rd if we're going to have the other hearing, or are we going to push it out further?

MR. SCALI: I guess we could continue it to the 23rd.

MR. HAAS: I'm not sure we're going to be able to untangle this thing by the 23rd and I don't want to be unfair to you to have you come back on the 23rd and us be in the same place.

MR. SCALI: Perhaps we should continue it until April 6, which will be the hearing after

that.

MS. LINT: Is that the Decision hearing?

MR. SCALI: What's the first hearing in April?

MS. LINT: It's not the 13th.

MR. SCALI: The Decisionmaking meeting is April 1, and the 6th is the first hearing in April. So a motion to continue to April 6.

MR. HAAS: Motion.

MR. SCALI: Moved, seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Mr. Chowdhury?

MR. CHOWDHURY: If I may, I just wanted to voice my opinion on this. I understand about the Beer and Wine license that's on hold, but we actually have a few of us in the building that we own businesses that you know -- Mr. Yoon, who owned business in Harvard Square for about 30 years running a restaurant. I've been running a

restaurant for five years. We actually also have objection to the concept that they're bringing into the restaurant that also ties into the business practice that our landlord does. So not only the objection on the Beer and Wine license, we also wanted to voice an objection to the business model that they're bringing into the building.

MR. SCALI: I'm not sure that's going to be really before us. I know what your concerns are but it may be beyond our jurisdiction in terms of what business model.

MR. CHOWDHURY: There's already four Asian concept restaurants. How does it help to bring in a fifth one?

MR. SCALI: Is there a need for that I guess is your question.

MR. CHOWDHURY: Our landlord basically brings the same concept restaurants to get other restaurants out of business so that way he can basically take over the asset of the restaurants that built up over the years. I just wanted to have my voice heard on that.

MR. KIM: It appears the problem has to be fixed with the landlord and all the other tenants. If I could just make the last comment, it appears that he's making an objection because he was in a bankruptcy situation and he was in the process of either selling or buying. I'm not quite sure what was exactly going on.

MR. SCALI: We're not either.

MR. KIM: His objection is based on -- it appears that his objection is not based on community concern. It appears his objection is based on profit and for financial gains.

MR. SCALI: Are you talking about the landlord?

MR. KIM: I mean the gentleman who was objecting. And that used to be a restaurant in there. We're not creating a brand-new restaurant in that building. They used to be in there in full operation for I believe over 10 years. That restaurant is closed at this time and we're trying to go into the same place with the same concept. But obviously we can continue in April.

MR. SCALI: It's a further discussion with regard to -- it's a matter of what's going on in the building with the licenses. That's what our concern is. The concepts are a different issue.

MR. CHOWDHURY: If I may ask a question?

MR. SCALI: I don't think you need to.

MR. CHOWDHURY: We are part of the community.

MR. SCALI: It's much too complicated. Mr. Dhanda needs to be here to explain what's going on.

MR. KIM: Thank you.

MR. HAAS: Do you want to go back to the taxicab?

MR. SCALI: Yes. Mr. Guillaume, Officer Szeto. Officer Szeto, thank you for waiting. Just tell us who you are for the record again, please.

OFFICER SZETO: Benny Szeto, Hackney Officer for Cambridge.

MR. SCALI: And sir, you are?

MR. GUILLAUME: Odieu Guillaume.

MR. SCALI: We'll start with Officer Szeto.

OFFICER SZETO: Back in December of '09, I received a complaint call from one of the cab drivers. He was complaining about the Alewife cab stand. He was complaining that cabs were parking out of place, because some cabs when they go inside the cab stand inside the Alewife T station they're not receiving any signal to the computer.

Ambassador Brattle are dispatching their calls through the computer, so in order for

them to receive the signal they park outside the stand. Under our rules and regs you're supposed to take the first spot, which is inside the stand and the stand is inside the T station.

So I headed up there and observed Cab No. 211, operated by Odieu Guillaume, and I approached him. He was the only cab on that cab stand at that time and he was parked at the entrance to the Alewife T stand. I observed him in the back seat. He was in the back seat with his shoes off and I asked him why he parked here. He was supposed to park first in line and that's inside the T station.

He went on to explain to me that because of the problem with the signal that's why he parked out here. I explained to him that you can't park like that. If you want to play this stand, you have to play it like any regular stand because this causes confusion on who's first, who's second, who's third. So I proceeded to give him a \$25 fine for a cab stand violation and I guess he -- he appealed it to Elizabeth Lint, which she



upheld my decision, and now he's appealing before the License Commission.

MR. SCALI: You saw him in the back seat with his shoes off, asleep?

OFFICER SZETO: No. He was just sitting in the back seat. He wasn't ready to work it seemed like to me.

MR. SCALI: Just taking a rest in the back of the cab?

OFFICER SZETO: I guess so, yeah. That's what I observed.

MR. SCALI: Mr. Guillaume, what were you doing in the back seat of the cab?

MR. GUILLAUME: I was sitting there for more than six hours. I was tired being behind the wheel so I sit in the back seat so I can sit down comfortably just like in the chair. That's why I was in the back.

MR. SCALI: Well when you're at work you're at work. You shouldn't be lying down in the back seat.

MR. GUILLAUME: I was not lying down.

I was sitting in the back seat just like this so I could relax my legs but it is easy for me if a customer is coming. I can get out, open the door, and seat the customer.

MR. SCALI: You can't do that under the rules. You have to be in the front seat of your cab. The issue of you being outside -- I understand the single issue but why didn't you pull up? Are you under Ambassador Brattle?

MR. GUILLAUME: Yes.

MR. SCALI: So you can't get the signal if you're under the Alewife Station pass.

MR. GUILLAUME: Yes.

MR. SCALI: I know we had this issue before, Officer Szeto, where you had been trying to resolve that with the Parking Department.

OFFICER SZETO: My suggestion was that they should do away with the inside, just leave it on the outside.

MR. SCALI: But that's the T's jurisdiction from what Traffic and Parking is telling us. Traffic and Parking has no

jurisdiction to eliminate those spaces because it's not City of Cambridge property.

OFFICER SZETO: So can we just tell them to stop parking outside the thing then, so everyone can be on the same page?

MR. SCALI: If you're under the Alewife space, you can't get the signal at all, the radio signal?

MR. GUILLAUME: You are off the radio, and sometime we can spend hours. If there is no business on the radio, you can spend the whole day there. That's why I was there for such a long time. I've been doing this for only a year. As I said to her, the reason I park there is because I see the veteran cab park there. It is beneficial to us when we are there.

MR. SCALI: Beneficial to what?

MR. GUILLAUME: Beneficial to us because we benefit from the radio and from the stand. So the officer did not inform me that there is a problem, he just write a ticket to me. I told the officer you should have told me. Now I know

there is a problem. You cannot give me a citation without telling me that there is a problem and not to do it again.

MR. SCALI: He can do whatever he wants. He's the Hackney officer. That's within his jurisdiction to decide whether you're in violation of not. Is this his first offense?

OFFICER SZETO: In terms of parking?

MR. SCALI: Any offense?

OFFICER SZETO: I had two complaints for fare refusal. The first one, I gave a warning. The second one I guess it got withdrawn from a driver, so technically one complaint for a fare refusal.

MR. SCALI: So you got a warning before for a previous violation; right?

OFFICER SZETO: I gave him a verbal.

MR. GUILLAUME: But he was confusing -- as you said, you are the law enforcement officer, whatever you say we have no choice. You are the last word. That's what happened on that day.

MR. SCALI: Well, not really. The court is the last word.

MR. GUILLAUME: Maybe. So we people, we have no control over what the decision is. That's what happened when a customer went to a different cab driver and the cab driver put in the customer to me because the fare is small. So that's what happened on that day. I explain to him and I get warning for this.

OFFICER SZETO: That's why I'm out there to enforce it because guys are parked everywhere; right? That's the reason why because technically you were parked the first cab but you were outside the stand.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: A little clarification for my edification. Just so I understand this, when you're waiting in this cab stand, are you waiting for a radio call to go into the T, or are you waiting for a walk-up fare from the T?

MR. GUILLAUME: Both of them.

OFFICER SZETO: Both.

MR. TURNER: So the radio call could actually be for anywhere else in the city?

OFFICER SZETO: Yeah.

MR. TURNER: So it seems to me like the best of both worlds. If you want to hang out at the T station, you should be in that first spot available for a passenger, a walk-up fare. If you want to do radio calls, maybe another T stop would be the answer. I mean another cab stand would be the answer. I can see the problem. I just needed some clarification on that. Thank you.

MR. SCALI: I think I have a bigger problem with you being in the back seat relaxing, as opposed to being on duty right there in your cab. But that wasn't the violation; right, Officer?

OFFICER SZETO: I didn't cite him for that.

MR. GUILLAUME: Being in the back seat, I think this could happen to anybody. If you sit down on that seat for so long you would be very

uncomfortable. After six hours behind the wheel sitting down there waiting, waiting, and never no fares come. My body was aching and I decided to sit in the back.

MR. SCALI: That's why we have the rule that you park at the end of the stand. You're allowed to do that for 15 minutes. You can get out and walk around, go to the bathroom, get a drink, and come back.

MR. GUILLAUME: While you're doing that you're watching -- this radio is like a baby. If you go out for a second and when the fare comes you're there to accept it, you've lost it. So it is tough for us.

MR. SCALI: I get it. Does anybody else want to heard on this matter? Questions, Commissioners?

MR. HAAS: No question.

MR. TURNER: No questions.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Motion to take this under

advisement.

MR. SCALI: Motion to take the matter under advisement, moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We vote on April 1, not the 6, so April 1.



MS. LINT: Application: Continued from February 23, 2010. Improvisational Center of Boston, Inc. d/b/a Improv Boston, Elyse Schuerman, Manager, holder of a Wine and Malt Beverages as a Restaurant license and Entertainment license at 40 Prospect Street has applied for a change of manager from Elyse Schuerman to Daniel Binderman. Applicant is also applying to increase their current alcohol hours from 1:00 a.m. until 2:00 a.m. on April 17, 2010 for a 24-hour marathon.

MR. SCALI: Improv. How are you?

MR. BINDERMAN: Good. How are you?

MR. SCALI: Good. Tell us your name for the record.

MR. BINDERMAN: Daniel Binderman.

MR. SCALI: So a change of manager to you; right?

MR. BINDERMAN: To me.

MR. SCALI: And you've been at the Improv for a while; right?

MR. BINDERMAN: For a while now. Nearly a year.

MR. SCALI: So you're familiar with all the rules and regulations about alcohol?

MR. BINDERMAN: I am. I went through Frank Connolly's program.

MR. SCALI: You've done 21-Proof.

MR. BINDERMAN: Yes, and did TIPS in New York back when I was there.

MR. SCALI: And you want to go now until 2:00 a.m. on one -- is it on a regular basis?

MR. BINDERMAN: We don't necessarily need to go to 2:00 a.m. We're just applying really to hold a 24 -- actually a 26.2-hour marathon of comedy to coincide with the Boston Marathon.

MR. SCALI: So it's just that one day you want to serve alcohol to 2:00 a.m. and then be open the 24-hour period?

MR. BINDERMAN: Correct, and if you so decide that it should be 1:00, we're fine with that. The main thing is that we're allowed to stay open for the theater, and we will close the bar whenever the Committee so decides.

MR. SCALI: So it's just that one day?

MR. BINDERMAN: Correct.

MR. SCALI: Any objections on that at all?

MS. LINT: No.

MR. SCALI: Anybody from the public want to be heard on this matter? Questions?

MR. HAAS: No questions.

MR. SCALI: So it's the day of the Boston Marathon?

MR. BINDERMAN: It's the evening before through the morning.

MR. SCALI: And running what kind --

MR. BINDERMAN: I'm sorry. It is exactly the 17th through Sunday the 18th.

MR. SCALI: So alcohol until 2:00 and then running the shows right straight through to the next morning.

MR. BINDERMAN: Straight to the morning.

MR. SCALI: Objections?

MR. TURNER: No objections.

MR. HAAS: No objections.

MR. SCALI: Motion?

MR. HAAS: Motion to approve the application for the one-day 24-hour period with a closing time of 2:00 for selling alcohol.

MR. SCALI: Alcohol until 2:00.

MR. HAAS: Right.

MR. SCALI: And entertainment 24 hours. And change of manager?

MR. HAAS: Approve too.

MR. SCALI: Moved and seconded.

All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Good luck.

MR. BINDERMAN: Thank you very much.

MR. SCALI: Make sure you get a one-day license from us on that. You can get that from Chris.

MR. BINDERMAN: A one-day entertainment license.

MR. SCALI: And then the one-day

extension until the 2:00 a.m. You'll need a one-day extension on that too.

MS. LINT: Application: Continued from February 23, 2010. WDN Enterprises, LLC d/b/a Leisure Station, Helen Chang, Manager, has applied for a Common Victualer license to be exercised at 625 West Kendall Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a capacity of 12 seats. The proposed hours of operation will be 24 hours a day, seven days per week.

MR. SCALI: Leisure Station. Have a seat. Just tell us your name.

MS. CHANG: Helen Chang.

MR. HUANG: My name is Ken Huang, H-U-A-N-G.

MR. SCALI: And you are the co-owners?

MS. CHANG: Yes.

MR. SCALI: So this is 625 West Kendall which is an office building?

MS. CHANG: Yes.

MR. SCALI: And you guys want to be on the first-floor there?

MS. CHANG: Yes. We're right across from the skating rink.

MR. SCALI: So the concept is what kind of food?

MS. CHANG: Basically we're a tea shop. We specialize in teas but we also have smoothies and stuff. We're more of a high-end tea shop, kind of more like a Starbucks drink shop.

Our concept is basically we're a franchise from Taiwan, so all our items are actually imported from Taiwan. It's basically a specialized tea. The reason why we're open earlier hours at 7:00 a.m. is because we want to give consumers an option rather than coffee to come to us for tea.

MR. SCALI: So you don't serve coffee?

MS. CHANG: No, we don't. It's primarily tea.

MR. HUANG: And smoothies.

MR. SCALI: And sandwiches, baked goods?

MS. CHANG: Yes, we will be serving

some sort of food items throughout the day. We are leaning toward like soup noodles and stuff, more of an Asian theme.

MR. SCALI: Why the 24 hours?

MS. CHANG: We decided against the 24-hours, and right now we have been -- Kristen approved of the current hours that we have now. Basically -- I don't know if you want to pass it around.

MR. SCALI: I'm just wondering who's going to be there in the middle of the night.

MS. LINT: Kristin can't approve their hours.

MS. CHANG: She didn't approve it but right now we're actually open. She said as long as we're take-out only and not seating, she allowed us to do that. And those were the hours that she allowed us to be open at currently.

MR. SCALI: So Monday through Thursday, 7:00 a.m. to 11:00 p.m., Friday, 7:00 a.m. to 2:00 a.m., Saturday 10:00 a.m. to 2:00 a.m., and Sunday, 11:00 a.m. to 10:00 p.m. Your



latest days are really Friday and Saturday nights.

MS. CHANG: The reason why they're a little later is because we're going to offer a delivery service and it's primarily to the students and communities around Cambridge.

MR. SCALI: Delivery of what; tea?

MS. CHANG: Teas, yes.

MR. HUANG: It's based on a survey from MIT students.

MR. SCALI: Questions from the public at all? Comments?

MR. HAAS: No comments.

MR. TURNER: No comments.

MR. SCALI: Motion.

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve with the amended hours as stated. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Good luck. Get all your

sign-offs and come in for your license and you guys can put your chairs in. How many seats is it?

MR. HUANG: Twelve.

MS. CHANG: So the seating is also approved as well?

MR. SCALI: Yes. Just make sure you get your license and all your sign-offs first before you put the seats in.

MS. LINT: Application: Gil Mok Corporation d/b/a Koreana, Young Sook Park, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 158 Propect Street has applied to transfer stock in a licensed corporation.

MR. SCALI: Good evening.

MR. JOYCE: Good evening. Robert Joyce for Gil Mok Corporation d/b/a Koreana. I had thought Mrs. Park was going to be attending with me but I haven't heard from her. I'd like to proceed just as representative, as her counsel.

What we have before the Commission tonight is just the second end of the transfer following the death of Mr. Park a couple years ago. Just under two years ago we were here and transferred Mr. Park's shares to Mr. Park's estate. So the ownership of the business is currently owned 50 percent Mr. Park and 50 percent Mrs. Park. It was 50-50. What we're doing here is we're closing Mr. Park's estate and we're looking to transfer his shares to Mrs. Park so she'll be the 100 percent

owner.

MR. SCALI: So that's the only change?  
There's no other changes?

MR. JOYCE: That's it.

MR. SCALI: Everything else stays the  
same?

MR. JOYCE: Stays the same. We're  
just putting her 100 percent.

MR. SCALI: She's been waiting a long  
time. She's been waiting for the estate to close I  
know.

MR. JOYCE: Correct.

MR. SCALI: Any questions.

MR. HAAS: No question.

MR. TURNER: No questions.

MR. SCALI: Comments? Motion.

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve, moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Review: AFKOR, Inc. d/b/a Cafe Anatolia, Alp Hocagil, Manager, holder of a Common Victualer license at 251 Cambridge Street for review of the License Commission's January 5, 2010 review hearing decision which states that Mr. Hocagil must continue to pay his outstanding parking tickets.

MR. HOCAGIL: I'm not getting any more tickets.

MR. SCALI: Tell us your name for the record first.

MR. HOCAGIL: My name is Alp Hocagil.

MR. SCALI: When last we were here you were going to pay up your tickets; right?

MR. HOCAGIL: Yeah.

MR. SCALI: Or you were going to come up with a payment plan or something.

MR. HOCAGIL: I continue to pay the tickets.

MR. SCALI: So where are we with the tickets?

MS. LINT: As of February 22, Ms.

Lawrence said that his last payment was January 5. He continues to get new tickets. He left a voice mail message for her two weeks ago but didn't leave a call back number. She hadn't heard anything since and he is again boot eligible.

MR. HOCAGIL: No, I'm not right now, actually.

MR. SCALI: Why are you not? Did you pay up?

MR. JOYCE: I stopped by to Ms. Lawrence. I was told to make the payments to her. I went there two times and the first one is on the last of January. I don't remember the date exactly. She wasn't there. I went the second time a few weeks after. I called her. Then I went the third time and she was on vacation. Then I talked to someone else over there who make the payment.

MR. SCALI: When is the last time you paid something? Do you have a receipt?

MR. HOCAGIL: Yeah. It was the 2nd of March.

MR. SCALI: What did you pay?

MR. HOCAGIL: I paid \$250 plus \$105 plus \$100.

MS. LINT: \$455.

MR. SCALI: How much more does he owe; thousands?

MS. LINT: Yes.

MR. SCALI: You got a long way to go.

MR. HOCAGIL: I know.

MR. SCALI: It seems like the only time you get a little scared is when we call a hearing and you run down and make a payment.

MR. HOCAGIL: I was there first one is like the last week of January.

MR. SCALI: That's two months. January 5 and then March 2 is two months.

MR. HOCAGIL: I was there on -- when I called her it was February something. I don't remember exactly the date.

MS. LINT: She's on vacation right now so I didn't get to talk to her.

MR. HOCAGIL: I was there last week and she's on vacation, and then I make the payment

to Jim. I don't remember his last name.

MR. SCALI: Comments?

MR. HOCAGIL: I have two spots to park my car. I'm not parking on the street anymore.

MR. HAAS: So when is the last time you got a parking ticket?

MR. HOCAGIL: It was unloading the stuff from the front of the shop. It was a bus stop. that was the last one.

MR. HAAS: When was that?

MR. HOCAGIL: There's no date in here. I was going to shopping in the morning and getting the stuff and there's a lot of cases that I'm loading into the shop. I got the ticket from there. Right in front of the shop is the bus stop.

MR. HAAS: But this way you're not making any profit. Your spending it all on parking tickets.

MR. HOCAGIL: There is no choice. Otherwise, I have to park across the street and all the stuff crossing the street each time going in and out, that makes more --



MR. SCALI: What's in front of your store, meters?

MR. HOCAGIL: No. Right in front of the store is the bus stop, and then the meters start after the bus stop. After 10:00, 10:30, 11:00 it's really hard to find meters around. The best way is to park across the street, which is the loading zone area. That's why I'm parking there sometimes doing in and out things, doing delivery things. When I'm not doing anything I'm parking in this spot what I just rented.

MR. SCALI: Is the loading zone across the street on Cambridge Street? You have to cross Cambridge?

MR. HOCAGIL: Across the street only, yeah.

MR. SCALI: You have spaces where now?

MR. HOCAGIL: I got the space on McGrath Highway. Usually I'm parking there when I'm not operating the vehicle.

MR. SCALI: Not to make deliveries? That's just a space to park.

MR. HOCAGIL: I can leave the car. I'm paying them \$125 monthly.

MR. SCALI: Plus, your parking tickets.

MR. HOCAGIL: So that's the biggest concern I got. I never ever got before in my whole life. I drive 12 years in here, plus four, five years. I never make any tickets before the other eight years.

MR. SCALI: Are you telling us now that you're going to park on McGrath Highway in that space when you park your vehicle, and you're going to park in the loading zone across the street to make deliveries?

MR. HOCAGIL: Yeah. Well, when I don't have a long time I'm parking in this spot on McGrath Highway right next to the antiques store.

MR. SCALI: If you were making regular payments like we had suggested, you know, every week you brought in \$50 or whatever it is, I mean you've got like \$3,000 worth of tickets. It's going to take you forever to pay that off, and

they're going to boot you from they're saying.

MR. HOCAGIL: I'm not on the boots right now. I paid all those tickets. I'm going to clear this up.

MR. HAAS: How soon?

MR. HOCAGIL: As soon as I can.

MR. SCALI: I would just like to hear Ms. Lawrence's take on this.

MS. LINT: April 6.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Continuance.

MR. HAAS: I recommend we make a continuance to April 6 and have an opportunity to check back with Traffic and Parking. Make sure you keep to a regular schedule. I would suggest that you do make another payment between now and that next hearing.

MR. HOCAGIL: I know. I will, I definitely will.

MR. SCALI: Motion to continue to April 6, which is a Tuesday evening again. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Thank you very much.

MS. LINT: Disciplinary matter:  
Alcohol licenses that failed to attend one of the  
License Commission's mandatory renewal meetings.  
The Brattle Theater, Salt's, Tupelo.

MR. SCALI: Are those the three? Just  
the three?

MS. LINT: Yes.

MR. SCALI: Why don't you all come up?  
So here's the thing: It's not so much that you  
don't attend the meeting, because everyone is busy,  
and you know we have it every year, and you know  
it's always the last week of October, the first  
week of November, it's just that you totally  
ignored the letter or the phone calls. So if you  
have something going on and you call Chris up and  
say gee, I got the letter, I can't make it. I'm  
going to be in the restaurant by myself, or the  
theater by myself, it's just a matter of making a  
phone call and saying I know I'm supposed to attend  
but I need to let people know I can't make it.

When we don't hear from you it means  
we think you don't care and you're just kind of

ignoring the whole thing. We want to make sure that when you go to these meetings -- and I know they're boring. I'm not by any means going to tell you that it's not boring. I know it's boring.

UNIDENTIFIED SPEAKER: I kind of like them.

MR. SCALI: There's lots of information but there are some things that are really really important that we present at these meetings and we want to make sure that you get that, because it can help you. There was stuff on the sales tax this time. There was stuff on the ancil system. There was stuff on sewer changes. All that stuff is helpful to you. We know you're busy. We know that you're not just thinking about us, and you're not just saying the License Commission is my top priority. Believe me, I know it's not your top priority.

UNIDENTIFIED SPEAKER: My question is, it's always around October; correct, October, November every year?

MR. SCALI: Yes, right before the

renewal period because we want to make sure we have the renewal affidavits for you to sign. It saves you a trip to us by being there to sign it.

UNIDENTIFIED SPEAKER: I promise to be responsible to check calendar, to check for those letters. In a situation like ours, I was out of the country when those letters were delivered. Gilbert was running on his own and by the time I came up and went through my pile of mail backing up I found that letter inside a card. It's not like we ignored it. It was just a little shorthanded then. Next time we'll be there.

UNIDENTIFIED SPEAKER: I don't have any such excuse. I'm just disorganized.

MS. LINT: I think I've heard that from you before.

UNIDENTIFIED SPEAKER: I have a similar problem to both of them. I'm disorganized and somehow I missed the letter. It's my first year. My apologies.

MR. SCALI: Well, 3 out of 252 I guess isn't too bad. The list was a lot longer two weeks

ago. It's just a matter of picking up the phone and say I can't make any of those three meetings but send me the information or whatever it is. It's just helpful so that we don't have to call you and track you down.

Comments, Commissioners?

MR. HAAS: No comments.

MR. TURNER: No comments.

MR. SCALI: Motions. Punishments?

MR. HAAS: This has never happened to you before? You've not missed those meetings before; right?

UNIDENTIFIED SPEAKER: First time.

MR. TURNER: Ninety days?

MR. SCALI: Ninety days suspension?

MR. HAAS: Make a motion to place the matter on file.

MR. SCALI: Motion to place the matter on file, moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.



MR. TURNER: Aye.

MR. SCALI: Thank you for being patient and coming in tonight. We'll see you in November.

MS. LINT: Policy: License Commission will take comments and discuss a regulation that would require restaurants to provide to customers upon request tap water without a fee for the water or its container, glass or cup.

MR. SCALI: Is there anybody here who wants to speak on that policy.

MR. VIERA: I just came here to hear.

MR. SCALI: I guess you're the only one which is probably not a good thing. Just tell us who you are.

MR. VIERA: I'm Duarte Viera. I'm the operations manager for the Harvard Coop. I just wasn't sure what -- I read what the letter said and it said it's for customers. We have a lot of people who come in. We have a little cafe on the second floor. We have a lot of people who come in and ask for water to the point where we now just put out a little like a soda pitcher sort of with ice water. It's actually filtered and we have a set of little five-ounce cups there. When anyone asks for water typically we just say the water is

right there. We do sell water also. Would that be sufficient?

MR. SCALI: What I'm hearing from City Councilors is that there are people, customers who are complaining that either a restaurant is saying we're not going to give you a glass of water; you have to buy a bottle of water. Or they're saying, in the smaller restaurants, you have to buy the cup in order to get a glass of water. Or people are sitting there at a table not buying anything but asking for pitchers of water just to sit there a talk. I can understand that concern, they're not buying anything.

MR. VIERA: That is a concern of ours. We do have a lot of people who will come up and still want a glass of water but it's typically a hot water glass. So they want a glass of hot water. And in that case --

MR. SCALI: Like for tea or something?

MR. VIERA: They'll bring their own tea bags or they'll go over to the condiment stand, grab the lemon, the honey, and sugar and make their

own little thing and then they'll stay there for an hour or two.

MR. SCALI: And buy nothing?

MR. VIERA: And buy nothing. In that case, we do charge \$.50 for a cup. If you make no purchases currently that basically just -- the reality is on the hot cup with a logo when you're charging \$.50, that's pretty close to what the cup is going to cost you. It's about \$.20 anyway, and then the water is hot water and all that.

So that is one little option. We don't do it all the time. And if you make a purchase from us, we would not charge you the \$.50. I just wasn't sure. A customer never charged the \$.50. A guest in our building may be charged the \$.50 if that's all that they're doing.

MR. SCALI: Just coming into the car so water.

MR. VIERA: How water not cold water.

MR. SCALI: There are many cities and towns and regulations like this city councils asking us to pass of regulation answers at the

walkway customer.

MR. VIERA: Meaning just coming in to have a glass of hot water, not cold water.

MR. SCALI: There aren't really many cities or towns that have regulations like this but I guess --

MS. LINT: I couldn't find any.

MR. SCALI: The City is asking us to pass a regulation which would say that if you are a customer, whatever that means --

MR. VIERA: That's what I wasn't sure of. Does a customer mean that you purchased something from me?

MR. SCALI: I guess if someone walks in and is not buying anything, and just wants to sit there and drink water, that doesn't sound very reasonable to me in terms of -- but I guess if they're a customer and buying something, whatever it may be then they would be able to get tap water.

MR. VIERA: And that's what I really wasn't clear on. To me a customer is a person who buys your services or buys your goods; right? Not

necessarily somebody who walks in your store who could be considered a guest, at most places a guest. You're a guest of ours and as long as you behave and act in a nice manner, you're welcome to stay. Once you make a purchase from us or buy our services then you do become a customer, and then you are entitled to free water and other things, other protections that come with being a customer.

MR. SCALI: I'm just whether the Councilors envision us passing a regulation that would require them to serve water for free no matter what. That would concern me.

MS. LINT: That was my question that I would really like clarification on. Are they suggesting that any person who walks into any licensed establishment can go over and say I would like a glass of water and they have to be provided that?

MR. HAAS: Why don't we do this then based on the comments we're hearing right now, we understand some of the issues that are going on, maybe we write back to the Council and say here are

some of the issues at this time: What is defined as a customer? Is it a situation where somebody is actually making a purchase and then the vendor is expected to at least provide drinking tap water? I don't think they understand all the ramifications. This whole thing about the hot water and stuff is a whole other issue, and people just coming in as a guest and just wanting water and not purchasing anything, that can bring a whole host of problems as well into the establishment. We're really making an effort to try to get the business owners to take some responsibility for what takes place in their establishment so you don't want them just hanging in there and drinking water.

MR. TURNER: I'd be very surprised to see that as a business practice an establishment hang a sign saying, "Free tap water. No purchase necessary."

MR. VIERA: The reality is we do give you the free tap water in that five-ounce glass but there are a number of people every week that take

it to the next limit.

MR. TURNER: Is it Internet cafe type thing? Do they sit at the computers?

MR. VIERA: We do have free WI-FI on there just recently, but that's not the person who's getting the water in all honesty. They buy a tea, you know. And you can regulate how long they sit and all that kind of stuff. You know what; that's what we're there for in our store anyway.

The cafe is a customer service tool for the rest of the bookstore. We want to be your office away from home. We want to be the place if you have an hour to kill. If you want to go look at a book and sit at the cafe and see if you really want it, get hooked. That's what the cafe is for. It's not truly -- it don't generate income. It's more a customer service tool. That being said, I'd like to have the seats for our customers, not necessarily for somebody who's just coming in to have a drink of water.

MR. HAAS: Maybe the other thing we want to get some clarification is the class of



establishment. Is it a full-service restaurant versus something that's a cafe or something else like that? Maybe we want to make some kind of distinctions between the establishment. Again, I think the intent is when you're going to have a meal at least you have some water or a liquid to drink with your meal even if you don't want to purchase a drink.

MR. VIERA: And if that's the intent then that's beautiful, but I just wasn't sure of that. And I wanted to make sure that providing the water in the dispenser was enough.

MR. SCALI: I think that probably is more than sufficient. I think it's just those three scenarios I mentioned before. I know that Courtside mentioned at a meeting I was at that people come in at lunchtime or when there's a game on and they ask for a pitcher of water, and there's four or five people sitting at a table watching a game and drinking water. That doesn't sound very reasonable at all.

MR. VIERA: It's very difficult. We

have similar issues. But you know what; it's a part of doing business, and if you let that happen that's --

MR. SCALI: Maybe what we can do Mrs. Lint is before our April 1 meeting is to -- I know it's Councilor Davis who's most concerned about this. Maybe you can consult with her about what she envisions it looking like, and then give her the scenarios.

MR. HAAS: Give her some of the scenarios we've been hearing.

MR. SCALI: And then we can vote on the 1st.

MS. LINT: I think that's much like Starbucks in Central Square. When you go in there's always someone going in and asking for a cup of hot water. They always get it but from a business perspective, I'm sure it's not cost-effective for them.

MR. TURNER: I'm surprised we didn't hear from more establishments.

MS. LINT: We noticed everybody.

MR. SCALI: We sent a letter to everybody, all the restaurants.

MR. TURNER: Could we reach out to them just to kind of give us maybe what's happening on their particular -- different stories I think would help back up --

MR. SCALI: Those are the three stories I heard at the CLAB meetings.

MR. VIERA: Maybe it's just because we're right outside the pit of Harvard Square. We do basically have a lot of people coming to the store. We have one of the few restrooms, public restrooms open. There are a lot of people that come into the store just to use the restrooms, and we learned to live with that.

I just wanted to know where we stood on this. I just wasn't sure on the water because there are some people that come up there and there are a lot of people who can be very demanding. If we have to give them a glass of water, we will give them a glass of water, but I just wanted to make sure I understand what we need to do.

MR. SCALI: We want to be reasonable too.

MS. LINT: That sounds pretty reasonable.

MR. SCALI: It doesn't sound totally unreasonable what you're saying. We'll clarify and let you all know. Thank you for coming in and being so patient and waiting.

MR. VIERA: It was enjoyable. A change of pace.

MR. SCALI: Motion then to take this matter under advisement.

MR. HAAS: Motion.

MR. SCALI: For further clarification.  
Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: Ratifications: 253A  
with a sale and then 253A was a refinance, 164,  
101, and 216.

MR. SCALI: Is the paperwork in order,  
Mrs. Lint?

MR. SCALI: Motion to accept.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: I just wanted to clarify one thing while we're on ratifications. There are a number of cab owners that are coming in all of a sudden now who maybe are just realizing we have grant funds for hybrids. Checker Cab owns about 11 vehicles and is looking to convert all of them over to Ford Escape hybrids. I have two other drivers that came in who own three or four medallions who want to convert them all over to hybrids as well. Our grant funds are running out. We've got maybe enough for maybe nine or ten at the most, which is \$10,000 apiece.

MR. HAAS: Would there be an incentive if you did less than that or do you have to do \$10,000?

MR. SCALI: I'm sorry?

MR. HAAS: Would it still be an incentive if you did half of that?

MR. SCALI: That's the issue. The issue is, do we want to do this first come first serve for \$10,000?

MR. HAAS: The goal would be to try

and get as many hybrids on the road; right?

MR. SCALI: I guess they're all understanding it to be \$10,000 now, so of course that's in their head.

MR. HAAS: \$5,000 is better than zero.

MR. SCALI: Then do we re-write the grant proposal, I mean the hybrid proposal?

MR. HAAS: I'd put out a grant proposal and see what you get back in terms of responses. If you get nothing then we have to go back to the drawing board. At least if you put it out with I think you said eight.

MR. SCALI: The goal was that we would get another four by the end of this year and then we would have another six or seven by the end of 2011. We'll more than meet that goal in a matter of months in 2010.

MR. HAAS: If they're ready to do it now would that be better?

MR. SCALI: Yes, if we do it now then the money is gone and that's it. First come first serve.

MR. HAAS: Then you've got 20 hybrid cabs on the road. This is to buy new hybrid cabs to convert gasoline; right, not to replace existing hybrids?

MS. LINT: Correct.

MR. HAAS: So the medallion would have to be converted to a hybrid cab.

MR. SCALI: It doesn't have to be brand-new. It can be a used hybrid.

MS. LINT: It just can't be a hybrid buying a new hybrid.

MR. SCALI: Right. Once you buy one that's it. You don't get a second shot.

MR. HAAS: So why don't you put in a grants solicitation indicating that the License Commission is prepared to award grants of \$5,000 for any conversion of a gasoline cab to a hybrid cab?

MR. SCALI: We would have to re-write the current plan and present it to the taxicab community. Or, I could also put out a proposal to sell another medallion.



MR. HAAS: I'm okay with that too.

MR. SCALI: That's the last --

MR. HAAS: It would have to be a hybrid medallion now.

MR. HAAS: That could be possible.

MR. SCALI: I just wanted to put that out there for you all to think about.

MR. SCALI: Anything else before us?  
Motion to adjourn.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

(Whereupon, the proceeding  
concluded at 7:40 p.m.)

**CERTIFICATE**

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court Reporter, the undersigned Notary Public certify that:

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

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 15th day of March, 2010.





ANNE OUELLETTE  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
March 16, 2012

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