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CAMBRIDGE MA.

Michael J. Brandon
27 Seven Pines Avenue
Cambridge, MA 02140

July 30, 1992

Mr. Russell B. Higley
Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: *White Hen Pantry, 2245 Mass. Ave.--Package Store License*

Mr. Higley:

In regard to your July 22 letter forwarding a copy of your advice to the City Manager in the above matter, please explain the specific basis for your opinion that "the City Council was not a party to the appeal and has no standing to take an appeal of the ABCC decision in the Superior Court."

The nine city counselors who unanimously decided to petition the ABCC along with more than twenty-five other Cambridge taxpayers seem clearly to be parties to the ABCC appeal entitled to seek a judicial review in Superior Court.

Moreover, MGL c.30A, sec.14, gives legal standing in a court appeal to "any person"--not just any party--"aggrieved by a final decision of any agency." Surely you must agree that as elected public officials the councilors' interests are substantially prejudiced by an ABCC decision that defies MGL c.138.

I also fail to understand why you waited until July 17--more than three months after the City Council expressed its desire to pursue an appeal--before you indicated to the City Manager that you believed they did not have standing. It is also puzzling that you waited until July 22 to send me a copy of your July 17 note to the City Manager.

I can only conclude that you wanted to discourage a timely Superior Court appeal by neighbors with legal standing and thus prevent an impartial court review of what on its face seems to be an unlawful decision by both the Cambridge License Commission and the ABCC.

Please let me know if your intentions were otherwise.

Sincerely yours,



Michael J. Brandon

cc: City Manager, City Council

Consent comm. # 15

Stdd

Comm. from Michael J. Brandon, 27 Seven
Pine Ave., regarding the petition of
White Hen Pantry, 2245 Mass. Ave., for a
liquor license.

In City Council,
Sept. 14, 1992

Placed on file

*To: CAMBRIDGE City Council
City Clerk*