

**Red Sox**  
Wakefield  
wins 16th in  
14-2 victory  
SPORTS, C1

GLOBE MAGAZINE

## Fall Fashion

» 8 must-have pieces to update your look  
» Narrow neckties and flashy necklaces  
» Bright blues and the shortest dresses



## Uphill battles

Challenging hikes  
in New Hampshire

A special issue of Explore New England, M8



Lottery, Page B2  
VOLUME 272  
NUMBER 57  
\$2.50

# Boston Sunday Globe

AUGUST 26, 2007

THE DAMP ACT

TODAY: Partly sunny, showers.  
High 84-89. Low 64-69.  
TOMORROW: Partly sunny, less humid.  
High 75-80. Low 61-66.  
HIGH TIDE: 10:20 a.m. 10:30 p.m.  
SUNRISE: 6:03 a.m. SUNSET: 7:29 p.m.  
FULL REPORT: PAGE C16



DINA RUDICK/GLOBE STAFF

A patron gave her car keys to a valet at Mistral last month before entering the South End establishment.

## HIGH-END FARE, WITH SIDE ORDER OF VIOLATIONS

Some of the city's top eateries  
cited for lack of cleanliness

By Jennifer Nelson and Bobby Hankinson  
GLOBE CORRESPONDENTS

For a decade, Mistral in the South End has ranked consistently as one of Boston's best and most popular restaurants. And among its most expensive: Chef Jamie Mammano's signature entrees include Dover sole meuniere with lemon and capers for \$48.

Boston's restaurant inspectors, however, have given it much lower grades. On April 1, 2006, an inspector made a surprise dinnertime visit to Mistral's kitchen. She discovered workers mixing salads and handling food with unwashed, bare hands. Even worse, she found partially cooked entrees left out at room temperature, to be cooked to order when needed — a practice that can cause bacteria to multiply quickly.

### Sample violations

**FIGS**  
Charles Street, Boston  
Two inspections found rodent droppings.

**FEDERALIST**  
Beacon Street, Boston  
Closed for several days after an inspector found serious health code violations.

**UNION OYSTER HOUSE**  
Union Street, Boston  
Cited for chilling bottles in the same ice used in glasses.

restaurants whose records were examined had been flagged for major — and sometimes chronic — violations.

All too often, Boston health inspectors find rodents and their droppings, employees who handle food without wearing gloves or hair covering, trendy bars that keep open bottles in ice that is used in glasses, dishwasher rinse water that is not heated to 180 degrees, and

RESTAURANTS, Page A20

## Coakley rules out more indictments in Big Dig

But sources say  
talks are critical

By Sean P. Murphy  
and Scott Allen  
GLOBE STAFF

Attorney General Martha Coakley has concluded that only three of the myriad companies involved in construction of the Big Dig tunnel ceiling that collapsed last year were criminally negli-

gent, according to lawyers familiar with the investigation, and she has ruled out further indictments unless settlement talks with two of the companies break down.

That would leave only Powers Fasteners, a New York-based glue supply company, to face trial in a disaster that came to symbolize everything that went wrong in the \$15 billion Big Dig project.

The lawyers said that Paul F. Ware Jr., Coakley's special prosecutor in the Big Dig investigation,

determined that only three firms, Powers and the two that managed the overall Big Dig, had shown the "wanton or reckless" disregard for public safety necessary to prove that their role in the ceiling collapse was criminal rather than merely negligent.

The Big Dig managers, Bechtel Co. and Parsons Brinckerhoff Quade & Douglas, have offered to settle the ceiling-collapse case and other Big Dig issues without criminal charges, for an amount one of

the lawyers said was "well north" of \$300 million.

But the four brothers who own Powers Fasteners, the company that supplied epoxy for the tunnel ceiling, offered \$8 million to settle the case, apparently in the mistaken belief that Coakley would not seek an indictment against them even if no agreement was reached, say the lawyers. The offer did not satisfy Coakley's demand that any settlement be painful, one lawyer

BIG DIG, Page A18

## A colorful display of pride



ESSDRAS M SUAREZ/GLOBE STAFF

Joel Niles, 11, of Dorchester wore a costume made by his grandfather as the D'Midas International dance troupe headed to the Caribbean Festival in Dorchester yesterday. Joel's relatives are from Barbados.

## China's doors wide open for Mass. high schoolers

Students hope to gain  
an edge in careers

By Tracy Jan  
GLOBE STAFF

Intent on giving their graduates an edge in the workforce, public high schools across the state are sending students to China, where they live with host families in high-rise apartments and study alongside Chinese peers in crowded classrooms, experiencing the country in a way tourists rarely do.

For six weeks to five months, the students learn to bargain with street vendors, navigate their way to school through jumbles of bicycles and cars, and sample Chinese delicacies such as congealed pig's blood, deep-fried scorpions, and roasted larvae.

Most student travel to China in the past decade has been through private exchange programs. Now, about 20 Massachusetts high schools, primarily in affluent suburbs, have or intend to design their own programs for groups of students and teachers. By staying with Chinese families and studying in Chinese schools, the students get a deeper understanding of a country poised to be the world's next superpower, their teachers say. And the teens are forced to test their comfort levels as they adjust to living in a foreign culture.

"These kids are very sheltered," said Yafei Hu, a Chinese teacher at Sharon High, which will send eight students to China for the first time in March. "If they don't have this genuine experience of another culture, then they will grow up

CHINA, Page A18



JOHN TLUMACKI/GLOBE STAFF

At Sharon High School, Yafei Hu taught Mandarin to her students during a language class last week to prepare them for a trip to China.

## Armenian campaign aided by new forces

Recognition of  
genocide grows

By Keith O'Brien  
GLOBE STAFF

For decades, it was almost strictly an Armenian issue. No matter how hard they lobbied politicians to recognize the genocide of their people more than 90 years ago, Armenian-Americans often failed. When it mattered most, they lacked the political clout and friends to make a difference.

But the recent uproar in Watertown, home to roughly 8,000 Armenian-Americans, shows that the dynamics of the debate have changed. It is no longer just Armenian-Americans pushing for formal recognition of the genocide of Armenians at the hands of Ottoman Turks during World War I, but also Jews and politicians of many backgrounds.

Observers cite decades of lobbying and a raft of recent scholarly work on the subject as reasons for the change. But the shift is also indicative of a growing anti-genocide constituency in the United States. Stirred up by recent

ARMENIAN, Page A19

## Ann Romney steps into spotlight

By Lisa Wangsness  
GLOBE STAFF

ORLANDO, Fla. — In a hotel ballroom yesterday morning, Ann Romney stood before about 150 Republican women and held up oversized photographs of her five sons and their families. The women, mostly older, many wearing black T-shirts with rhinestone emblems of their group's website, leaned in, nodding.

There was Tagg, with his wife and three children — "That granddaughter, by the way, is a brilliant girl." Here was Matt and his twin girls — "trouble with

Traditional image  
sets her apart

a capital T" — and Josh, who went to all 99 counties in Iowa in a Winnebago, and his family. There was Ben, with his wife — "he married way above himself," she said, to laughter — and Craig, with his wife, Mary, and baby, Parker, "who has stolen all of our hearts, and he will steal yours too."

"This is a family affair that we're involved in," she said.

In past presidential campaigns,

Romney would be standard fare as a candidate's spouse — a wife who devoted most of her life to her husband and children rather than pursuing a profession, and a sunny presence on the campaign trail who keeps her thoughts on policy and politics mostly to herself.

► Florida primary in violation of Democratic rules. A10.

But among this year's crop of candidates' spouses — replete with divor-

ANN ROMNEY, Page A10

IDEAS  
**Young capitalists**  
China and the United States  
share a history of tainted  
goods, intellectual piracy. D1.



For breaking news, updated Globe stories, and more, visit:

**boston.com**



CITY & REGION  
**Out front**  
Niki Tsongas is short on experience but long on name recognition in the Fifth Congressional District primary. B1.

# High-end eateries cited for violations

► RESTAURANTS  
Continued from Page A1

food left out in violation of temperature standards that are designed to prevent diners from becoming ill.

The inspectors demand that such practices cease immediately, and most of the time, compliance is swift. The city, however, keeps these findings out of the reach of consumers, despite a pledge seven years ago by Mayor Thomas M. Menino to make the information easily accessible. When the Globe asked for inspection reports on 47 restaurants, the Inspectional Services Department refused to fulfill the request unless the newspaper paid \$2,039 in advance.

Worse still, the Globe's investigation found that the restaurant inspection system stands on spindly legs — and not just in Boston. Many Massachusetts communities, Boston among them, are so understaffed that they cannot meet state requirements that food service establishments be inspected at least twice a year. One example: Mistral has not been inspected in the 16 months since that 2006 visit.

With too few inspectors, any food safety training is bound to reap benefits. Even so, the Globe found that the state's mandatory training and certification standards for both restaurant inspectors and restaurant managers are minimal.

A Globe reporter signed up for the nationally accredited certification exam and passed it easily — without attending a class or reviewing any of the reading material. The reporter, Jennifer Nelson, is deemed qualified to oversee food safety precautions in any restaurant. The credential would also allow her to become a municipal restaurant inspector.

Last week, the National Restaurant Association, which sponsors the exam, said it may revoke Nelson's certification.

All of which amounts to a multicourse headache for restaurant patrons. One in four Americans gets food poisoning each year. The training standards for restaurant managers and inspectors are widely viewed as insufficient. Most local health departments do infrequent and often cursory inspections, and many file the reports out of public view.

Earlier this year, the Massachusetts state auditor concluded that the state Department of Public Health is understaffed and cannot fulfill its mandate to ensure that the state food code is being followed in the Commonwealth's 351 cities and towns.

"Visiting a restaurant that is not following the food code can be dangerous," especially for people with weakened immune systems, said Stephen E. Martinello, a registered sanitarian who directs all quality control and inspectional services for Legal Sea Foods, the restaurant chain that is known throughout the industry for its fastidious attention to cleanliness.

That standard of cleanliness has not been a priority at many expensive Boston restaurants.

For instance:

■ At Figs on Charles Street, which is owned by celebrity chef Todd English, a patron who complained in 2005 that a mouse was dining on leftovers at a nearby table reported being told by an employee that nothing could be done. By the time an inspector showed up six days later, telltale evidence remained: rodent droppings in the dining room. Sixteen months later, inspectors found rodent droppings and a decomposed mouse at the restaurant.

■ The year 2006 was not the best for the Federalist, the ultraexpensive dining room at the XV Hotel on Beacon Street. Early in the year, according to state health records, three patrons reported becoming ill after eating lobster bisque. Last September, after another diner reported becoming ill, an inspector found serious health code violations, including a roach infestation. The city ordered the restaurant closed for several days.



PHOTOS BY DINA RUDICK/GLOBE STAFF

## 'Visiting a restaurant that is not following the food code can be dangerous.'

*Stephen E. Martinello (above), who directs all quality control services for Legal Sea Foods. At right, he tests the water at Legal Sea Foods in Kendall Square — it must reach 110 degrees (it did).*



other diner reported becoming ill, an inspector found serious health code violations, including a roach infestation. The city ordered the restaurant closed for several days.

■ The Union Oyster House, a magnet for tourists, has also been a draw for rodents and flies, according to the observations of inspectors and complaints from consumers. It also has been cited for another violation that is surprisingly common at Boston restaurants — bottles of wine and other liquids chilled in the same ice used in glasses.

■ At the new Ritz-Carlton Hotel on Boston Common, the JERNE bar had such a bad fruit fly infestation last summer that one patron reported swallowing three bugs with his drink. The manager told a city inspector who came by 18 days later that the bar had a "serious" fruit fly problem the month before. The hotel declined to comment when contacted by the Globe.

### Violations are common

Virtually every restaurant, even those most attentive to health regulations, gets cited for some violations during inspections, though their shortcomings are most often minor, such as a storage room floor that is dirty, a refrigerator gasket that needs replacing, a dumpster area that

needs a precautionary cleaning or a customer restroom that needs a trash receptacle.

But at too many restaurants, inspectors regularly find violations that suggest that managers and owners do not take in-house food safety training seriously, especially for immigrant employees with limited English language skills. As a result, many workers do not wash their hands between tasks or wear hair restraints, do not change gloves when appropriate or even wear gloves when handling bread and other ready-to-eat items.

Such findings may surprise most consumers, because the city's Division of Health Inspections, which is part of the Inspectional Services Department, keeps its reports buried in file drawers. An ISD website — <http://www.cityofboston.gov/isd/health/mfc/court.asp> — offers only limited and outdated information. And what the site does have is difficult to understand for anyone who is not a food safety specialist.

When the Globe asked for the inspection reports, ISD said it would take 78 hours of staff time, plus copying costs, to produce them — at a cost of \$2,039. When the newspaper challenged the estimate, city officials recalculated the time involved, and reduced the cost to about \$600.

Also kept under wraps, available only through a formal public records request, are the identities of close to 400 food service establishments — the Federalist included — that have been temporarily shut down since 2002 for food safety violations.

In an interview, Thomas J. Goodfellow, the director of ISD's Division of Health Inspections, could not explain why Boston, unlike other cities, had not publicized the closings, or even posted them online. State law, Goodfellow said, does not require it.

Seven years ago, Menino promised that the city would make both closures and inspection findings public. "Making this information easily accessible to the public will not only help people make better choices, it will also encourage restaurant owners and managers to keep their restaurants clean and their food fresh," Menino said at the time.

In a recent interview, Menino acknowledged that the city website is difficult to navigate, and he promised that consumers can expect to find "comprehensive information" about inspections posted within six to nine months.

However, the mayor expressed concern about the economic damage to restaurants that are closed if the action is made public. However, he later said through his

spokeswoman, Dot Joyce, that the city would soon begin to post on the website the identities of food establishments that are shut for health code violations.

### Inspection shortfall

Food safety in restaurants is a worrisome national problem. With Americans now eating nearly half of all meals away from home, the incidence of food-borne illnesses — food poisoning — has become a persistent public health problem. The US Centers for Disease Control and Prevention estimates that 76 million people contract food-borne illnesses each year — at home and after eating out. About 325,000 people are hospitalized, and an estimated 5,000 people die.

Yet in most communities, health departments have to fight for scarce budget dollars. In Boston, for example, the number of restaurant inspectors has been cut from 22 to 18 in the last five years. Among restaurant executives and food safety specialists, Boston's inspectors are considered to be knowledgeable and, for the most part, exacting. But they are stretched thin: According to federal guidelines that state regulators support, the city should have between 28 and 30 inspectors.

Menino, citing budget constraints, said he cannot foresee re-

storing the four positions that were cut, much less hiring 10 or 12 new inspectors.

For those reasons, food service establishments in Boston are not inspected nearly as often as the state requires — a statutory violation that the city matter-of-factly acknowledges in its annual reports to the state.

Boston inspectors are responsible for overseeing 4,799 licensed establishments that serve food — convenience stores, fast-food outlets, full service restaurants, caterers, nursing home, and hospital kitchens.

Facilities that serve high-risk populations, such as nursing homes and hospitals, are supposed to be inspected three times a year. Yet nursing homes and hospitals are inspected, on average, about three times every two years.

Caterers, considered high-risk because they often transport cooked food and reheat it, are also supposed to be inspected three times a year, but they average one inspection a year.

When city inspectors do visit, they come armed with a checklist containing dozens of health code requirements. Among other things, they look for evidence that managers are trained in food safety; that kitchens, storage areas, and restrooms are clean; that perishable food is properly refrigerated at correct temperatures and that cooked foods — soups, eggs, and potatoes, for instance — are kept well-heated and temperatures are constantly monitored; that there is not water leakage and openings that might draw rodents; that kitchen equipment, like cutting boards, may need to be replaced; and even that employees are not washing hands at sinks reserved for washing produce.

Not all violations are equal. For example, evidence that food is being held at the wrong temperature — which the inspector found at Mistral — or that there are signs of rodents are considered to be "critical risk factor violations," which can cause food-borne illness. "Critical violations" — a frayed refrigerator door gasket, for example — could contaminate food if not fixed. "Noncritical violations" might include a citation for a light bulb that needs replacement or a

Continued on next page

## City hasn't informed public of nearly 400 temporary license suspensions

By Walter V. Robinson  
GLOBE CORRESPONDENT

For almost a month late this spring, devotees of Tealuxe, the popular Newbury Street tea house and cafe, had to go elsewhere for their Darjeeling and the sandwiches and other lighter fare the restaurant serves.

That is because Tealuxe was closed — for mechanical repairs, its manager, Ryan Moore, insisted in an interview Friday.

In fact, it was shuttered because at least 21 people, including 10 employees, were exposed to the salmonella bacteria the first week

of May, according to an internal report prepared by the Boston Public Health Commission. Of those, 11 patrons and three employees became ill.

And Boston health inspectors quickly discovered several major health code violations, including inadequate cleanliness standards, according to Lisa Timberlake, the spokeswoman for the Boston Inspectional Services Department.

After the scope of the outbreak became clear, Timberlake said, the restaurant voluntarily closed May 16. Its scheduled reopening June 7 was postponed because some vio-

lations remained uncorrected. It reopened June 22, she said.

The scope of the outbreak, and its origin at Tealuxe, became clear in early May after several reports of food poisoning surfaced, some from as far away as Virginia and Pennsylvania, from people who had eaten at Tealuxe April 28, according to the commission report and Timberlake.

Salmonella is a regular suspect in many food-borne illnesses, and it typically causes diarrhea, fever, and stomach cramps. It is normally spread by fecal contamination of food, according to the commis-

sion's epidemiological report.

What was unusual about the outbreak was the number of victims — and the fact that the city chooses not to inform the public when it closes a restaurant for public health reasons. Over a recent five-year period, the city, without public notice, temporarily suspended the licenses of almost 400 food service establishments.

The Globe was told about the Tealuxe case Friday and then asked the city for the documents.

Tealuxe's Newbury Street cafe is one of three Tealuxe outlets, including the original establishment

in Harvard Square and another outlet in Providence.

When a Globe reporter called Moore, the manager, and asked about a public health problem, Moore denied there had been one.

"We had some maintenance issues we had to deal with, that's why we were closed," he said. "We had to fix a leaky pipe, but it ended up going beyond a leaking pipe. It was all mechanical." When the Globe asked for contact information for other company officials, he said: "You'll get the same story from everybody."

When the Globe challenged

Moore's account, he denied that anyone had been ill. "There was no public health issue. There was nothing related to the health code. We had no health code violations," Moore insisted.

Henry Rubien, the operations manager for the Tealuxe chain, did not respond to phone messages Friday.

Dr. Nancy Norman, the medical director of the Public Health Commission, said in an interview that outbreaks of the sort that occurred at Tealuxe can be prevented if employees wash their hands thoroughly.