



VOLUME 281
NUMBER 88
Suggested retail price
\$1.00
\$1.00
\$1.00

The Boston Globe

WEDNESDAY, MARCH 28, 2012

UPTICKLE

Today: Mostly cloudy, milder.
High 48-53. Low 39-44.
Tomorrow: Mostly cloudy, showers.
High 46-51. Low 37-39.
High Tide: 3:30 a.m., 4:05 p.m.
Low Tide: 6:33 a.m., 6:55 p.m.
Full Report: Page B15

In the news

Boston teachers and the School Department will request a state mediator to help resolve pay and other issues after 21 months of negotiations ended in an impasse. B1.

The Environmental Protection Agency imposed limits on heat-trapping pollution from new power plants, drawing complaints from Republicans and the coal industry. A2.

Fears grew of a Taliban offensive as Afghanistan arrested more than a dozen soldiers suspected of plotting to attack the Defense Ministry. A3.

Nearly 60 world leaders at a security summit in Seoul agreed to work on securing and accounting for all nuclear material by 2014. A5.

Senator Scott Brown transferred from the Massachusetts Army National Guard to a Maryland unit, saying political and media scrutiny made local service untenable. B1.

President Dmitry Medvedev of Russia and foreign policy specialists criticized Mitt Romney's view of Russia as the United States' "number one geopolitical foe." A8.

Passengers subdued the captain of a JetBlue flight bound for Las Vegas after he began screaming and was locked out of the cockpit by crew members. A6.

President Bashar Assad of Syria accepted a cease-fire proposal by UN envoy Kofi Annan, but intense fighting continued between government and rebel forces. A4.

Cambridge-based Genzyme has recaptured control of the US market for Fabry disease drugs and opened a new plant, a shift of fortunes following production troubles. B7.

Hewitt Gingrich is laying off about a third of his campaign staff and focusing on courting delegates to the Republican convention. A8.

Violinist Leonidas Kavakos made an enthusiastic debut as a Boston Symphony Orchestra conductor. Review, B16.

Have a news tip? E-mail newstips@globe.com or call 617-929-TIPS (8477). Other contact information, B2.

POINT OF VIEW:
MAC O'ALESSANDRO

"Most of the time, I was accosted because I looked 'out-of-place' (a.k.a. black kid in the wrong neighborhood). All the times, I uttered nothing but 'yes, sir.' As I've aged, the use of this deference as a means of self-defense has come at a cost." A11.

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A grilling by court's conservatives over health care law's mandate



"Sometimes Congress can create commerce out of nothing. That's the national bank, which was created out of nothing to create other commerce out of nothing."

JUSTICE STEPHEN BREYER



"Can the government require you to buy a cellphone because that would facilitate responding when you need emergency services?"

CHIEF JUSTICE JOHN ROBERTS



"I thought that your main point is that unlike food or any other market, when you made the choice not to buy insurance... when disaster strikes you may not have the money."

JUSTICE RUTH BADER GINSBURG



"Isn't it the case that what this mandate is doing is not requiring the people who are subject to it to pay for the services that they are going to consume?"

JUSTICE SAMUEL ALITO



"Could the government say everybody pays a shared health care responsibility payment... but anybody who has an insurance policy is exempt from that tax?"

JUSTICE SONIA SOTOMAYOR



"These people are not stupid. They're going to buy insurance later. They're young and need the money now."

JUSTICE ANTONIN SCALIA



"And Congress surely has within its authority to decide, rather than at the point of sale, given an insurance-based mechanism, it makes sense to regulate it earlier."

JUSTICE ELENA KAGAN



"Can you create commerce in order to regulate it?"

JUSTICE ANTHONY KENNEDY

JUSTICE CLARENCE THOMAS DID NOT ASK QUESTIONS, AS IS HIS CUSTOM.

Top lawyer helped win many college chiefs' perks

By Mary Carmichael and Todd Wallack
GLOBE STAFF

When universities are deciding how much to pay their presidents, they call Raymond Cotton. When presidents need an advocate in salary negotiations, they call him, too.

Cotton, who works for the Boston-based law firm Mintz Levin, has carved out a niche as one of the nation's most prominent consultants on academic salaries, helping to negotiate or assess contracts for more than 250 clients.

He is also the common link between two recent Massachusetts controversies over large salaries and corporate-style perks for university presidents.

Cotton, who is based in Washington, D.C., helped make former Suffolk University president David Sargent one of the highest-paid college presidents in the nation under an agreement that is now the subject of an IRS audit. He also crafted a contract that

COTTON, Page A9



At Bondir, Erin Reiley used UReserv, the newest online reservation service, on an iPad.

A feast of options for online reservations

Newcomers use lower costs in bid to lure restaurateurs

By Michael B. Farrell
GLOBE STAFF

Savvy diners looking for last-minute reservations during the rush of Boston Restaurant Week know a smartphone can help get them a table fast. With an app from OpenTable Inc., it takes only a few taps of the screen to book a spot at the closest steakhouse or sushi bar.

That convenience is free for diners, but can

be costly to restaurants that list on OpenTable. Some busy eateries can pay thousands of dollars a month to OpenTable for its reservation service and, as important, to use the company's technology to manage their restaurants.

Now, several start-ups are challenging the reign of the 14-year-old San Francisco company that has become the go-to destination for Web reservations. It provides reservations and management services to about 800 restaurants in the Boston area, but has become vulnerable to competition because of its fees.

RESERVATIONS, Page A12

MGM pulls \$600m Brimfield casino plan

By Mark Arsenault
GLOBE STAFF

MGM Resorts is abandoning plans to build a \$600 million casino resort on a secluded site in rural Brimfield, saying that the land would not meet the needs of its ambitious project, but that MGM will continue searching for an appropriate site, the company confirmed Tuesday.

MGM, one of the world's biggest casino operators, still intends to compete for the sole casino license for Western Massachusetts, a region that has drawn heavy interest from casino developers.

MGM operates some of the highest-profile gambling resorts on the Las Vegas strip, including Bellagio, the pyramid-shaped Luxor, and Mandalay Bay.

In January, the company announced with great fanfare that it wanted to build a rustic casino, dubbed Rolling Hills Resort, on a site just north of the Massachusetts Turnpike in tiny

MGM RESORTS, Page A6

A feast of options in online restaurant reservation business

► RESERVATIONS
Continued from Page A1

Earlier this month, Boston restaurateur Jeffrey Gates of the Aquitaine Group and entrepreneur Van Garrett unveiled UReserv, the newest entrant into the online reservation market. It joins Urbanspoon, Reservation Genie, TableControl, to name a few, as services that want a bite out of the growing business.

"Somebody is going to make

the online reservation experience for restaurateurs more democratic, and less expensive," said Gates, who said his own frustration over OpenTable's terms and fees led to the launch of UReserv. His company has paid OpenTable as much as \$14,000 a month for computer tools that manage reservations and seatings at its six restaurants, including the Gaslight Brasserie.

The rise in competitors is of-

fering more choices to diners. Restaurants that cannot afford OpenTable can now add an online reservation capacity through a less-expensive UReserv. Diners can feed off the foodie culture of Urbanspoon to find boutique kitchens and other gems that would otherwise be lost among the vast listings of OpenTable — if there at all.

UReserv and other competitors are challenging different as-

pects of OpenTable's dominance: Some offer room-management technology and tools for restaurants to take Web reservations themselves; others appeal directly to diners who want to book tables online. While varying in popularity, none have been able to knock OpenTable from its perch so far, and indeed, many local restaurateurs said they are loath to stop using OpenTable altogether because it brings so many

customers to their tables.

Even Gates, the cofounder of UReserv, plans to keep using OpenTable at his restaurants.

UReserv charges restaurants a flat fee of \$30 a month to use both its online reservation and dining-room management systems. It gives restaurants a widget they install on their own websites for diners to make reservations. But unlike OpenTable, UReserv does not have its

own separate website or app where patrons can browse for restaurant suggestions.

So far, more than 150 restaurants have signed up, including some of the Boston area's most talked about restaurants such as Bondir in Cambridge. A few other eateries, such as Journeyman in Somerville, are using Urbanspoon's Rezbook system, which costs \$199 a month plus \$1 per diner when reservations are made through the Urbanspoon website or mobile app. Like UReserv, it doesn't charge for reservations made directly through the restaurant's own website.

By contrast, OpenTable fees for restaurant reservations start at 25 cents and can run as high as \$7.50. Much of its revenue is from leasing software and hardware that restaurants use to manage the ebb and flow of traffic at their tables. In 2011, OpenTable saw its revenue jump to \$140 million and enrolled restaurants reached 25,000 worldwide.

Ann Shepherd, OpenTable's senior vice president of marketing, said the company has fended off rivals before, and continues to offer restaurants access to thousands of new diners.

"We help restaurants fill seats that might otherwise go empty," she said. "On the consumer side, we try to provide a service that is better than the phone."

Though many restaurants still take reservations over the phone, the Internet is gaining as the preferred medium for diners. The National Restaurant Association says 27 percent of diners use the Web to book tables, and that 65 percent of fine-dining restaurants offer online reservations.

Smartphone apps are increasingly popular, with OpenTable reporting that its tool has been used to fill about 20 million restaurant seats since it was introduced in 2008. The software allows diners to search for restaurants by neighborhood, cuisine, and price, and easily move from reading the menu to booking a table.

"I'm a last-minute Saffy, so I use it a lot when I'm out," said Trisha Nugent, a teacher from Brookline and OpenTable user.

OpenTable's dominance is evident during Restaurant Week, which ends Friday. At Upstairs on the Square in Cambridge, up to 80 percent of reservations can come via OpenTable during busy times. Co-owner Mary Catherine Deibel said she pays OpenTable \$1 for every diner who reserves through OpenTable's website or mobile app, and 25 cents for each diner when the reservation is made through an OpenTable widget on the restaurant's site.

Deibel has something of a love-hate relationship with OpenTable, which her restaurant has used for 10 years. She doesn't like its fees, but has no plans to rip out its equipment.

"The one thing that OpenTable has done is court diners," she said. "It is valuable."

Frank McClelland, owner of L'Espalier and the Sel de la Terre restaurants, started using UReserv in September to capture reservations via the Web and Facebook. Now he doesn't have to pay OpenTable 25 cents per diner for each online reservation made on his restaurants' sites. Many restaurateurs say those fees add up.

However, McClelland hasn't given up on OpenTable entirely. He still has his restaurants included on OpenTable's listings.

"The main concern in giving up OpenTable is with people who rely on the OpenTable.com website to search for restaurants, as opposed to people who have their mind made up on where they want to go before visiting OpenTable.com," McClelland said.

But some smaller restaurants don't have the volume to justify the expense. At Journeyman, co-owner Meg Grady-Troia first used Save My Table, a Brookline company, for about a year, and then switched to Urbanspoon, which she said offered a more complete reservation package. For the prices that OpenTable charges, she said she could hire a new employee to handle reservations.

While popular in New York and San Francisco, Urbanspoon's Rezbook system has enrolled only 15 restaurants in the Boston area. Conrad Saam, an Urbanspoon spokesman, said he expects the company to make a more concerted effort to woo Boston eateries and diners.