

LICENSING BOARD MEETING**-AGENDA-****Monday, July 25, 2016****Room 314 – 7:00 p.m.****REQUIRED: Steven A. Beauregard, Chairman****Marcelino "Sonny" G. Almeida, Commissioner****Edmund F. Craig, Jr., Commissioner****Atty. John A. Markey, Jr., Asst. City Solicitor****Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.****Nick Nanopoulos, Director***Public Safety Chairman***a/o 07/21/16****MOTION TO ACCEPT THE MEETING MINUTES OF June 27, 2016****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION****Change of Officers & Directors - Trans. # 209 – Plot # 93—181**

Centro Luso Americano Club, Inc., Adriano Carvalho, Jr., President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Adriano Carvalho, Jr. will remain as the President, Dean Pires will be the 'new' Vice-President, Joe Silva will be the 'new' Treasurer, and John Tomasia will be the 'new' Secretary; and John Gomes, Jim Neville, Edward Roy, and Lucy Carvalho will be the 'new' Directors. Premises will remain the same at **34 Beetle Street**.

Approved By ABCC – 07/13/16**Pledge of License - Trans. # 201 – Plot # 104--52**

N & W Convenience Mart, Inc., Waqar A. Butt, President, who is requesting approval of a **Pledge of the Retail Package Store Wine & Malt Only Beverages License** to **St. Anne's Credit Union of Fall River, MA.**, with an address of **286 Oliver Street, Fall River, MA.**, as security to authorize and execute a promissory note in the amount of **Two Hundred & Thirty-Five Thousand Dollars (\$235,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Approved By ABCC – 07/13/16**DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION****Change of Officers, Director, New Stockholder, Transfer of Stock, Pledge of License, & Change of d/b/a - Trans. # 116 – Plot # 60--26**

Route Six Properties, Inc. d/b/a Temptation, Steven M. Camara, President, who is requesting a **Change of Officers, Director, (New) Stockholder, and the Transfer of Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the President, Treasurer, Secretary, and Sole Director; and to allow the transfer of all his Corporate Stock (100%). The proposed transferee is also requesting a **Change of d/b/a to Club Déjà Vu** and a **Pledge of the Common Victualler All Alcohol License** to **Steven Camara** with an address of **1134 American Legion Highway, Westport, MA.** as security to authorize and execute a promissory note in the amount of **Five Hundred Thousand Dollars (\$500,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Upon approval, Kelvin Ortiz will be the President, Treasurer, Secretary, Sole Director, Sole Stockholder (100 %); and Kelvin Ortiz will remain as the **Manager**. Premises will remain the same at **161 Pope's Island**.

Disapproved By ABCC – 07/07/16 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

Application to be sent back to the ABCC "For Reconsideration", only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved.

1. PETITION - Trans. # 132 – Plot # 19-108-A (No Representation Required)

Loyal Order of Moose, Inc. d/b/a New Bedford Lodge, #914, David Jorge, (new) President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval David Jorge will be the President, Jose Jorge will be the Vice-President, William McGee will be the Treasurer, and Danny Johnson will be the Secretary; and Derrick Cabral, Murray Gonzalez, Donald Andrade, Brian Chipelo, and Robert Bessette will all be Co-Directors. **Danny Johnson** will remain as **Manager** Premises will remain the same at **119 Rockdale Avenue**.
(No Advertisement nor Abutters Notification Required)

2. PETITION - Trans. # 180 – Plot # 132-614 (No Representation Required)

RUDRAXI, Inc. d/b/a Muldoon's Mini Mart, Viralkumar S. Patel, President, who is petitioning for a **Change of Officer, (New) Stockholder, and Transfer of Corporate Stock** of the **Retail Package Store Wine & Malt Only Alcoholic Beverages License**. Viralkumar S. Patel is requesting the transfer of 50% of his corporate shares to Rudraxi Patel; and to accept his resignation as the Secretary of the corporation. Upon approval, Viralkumar S. Patel will remain as the President, Treasurer, Sole Director, and Co-Shareholder (50%); and Rudraxi Patel will be the Vice-President, Secretary, and (New) Co-Shareholder (50%). **Viralkumar S. Patel** will also remain as **Manager**. Premises will remain the same at **1411 Phillips Road**. *Application has been advertised; Abutters notification not required.*

3. PETITION - Trans. # 122 – Plot # 119-13

Kellie E. Moreau d/b/a Shooter's Billiards, Kellie E. Moreau, Sole Owner, who is petitioning to transfer a **General on Premise Wine & Malt Only Alcoholic Beverages License** to **Jere A. Espejo d/b/a Shooter's Pub**. Upon approval, **Jere A. Espejo** will be the **Sole Interest Holder and Manager**. Premises will remain the same at **2112 Acushnet Avenue**. *Application has been advertised; Abutters notification not required.*

4. PETITION - Trans. # 020 – Plot # 42--272

Royal Food & Beverage Company, Inc. d/b/a Royal II, Manuel J. Escobar, President, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **Albert Santos d/b/a Royal II**. Upon approval, **Albert Santos** will be the **Sole Owner and Manager**. Premises will remain the same at **123 MacArthur Drive**. Final approval will require a **'Change of Tenant'** from the Building Department, a new **'Food Permit'** from the Health Department, and a copy of **'Proof of Liquor Liability'**. *Application has been advertised; Abutters notification not required.*

Tabled on 03/28/16

5. Hearing: Royal Food & Beverage Co. d/b/a Royal II
Mr. Manuel Escobar, Co-Owner/President
123 MacArthur Drive

Closed 09/08/15 – Licensee Decision
Prior Renewal Hearings: (1)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

03/28/16 Decision

Present: Luis DaSilva, Representing Albert J. Santos, Proposed Buyer; Mr. Escobar did not appear as requested.

Responding to questions from Chairman Beauregard, Mr. DaSilva stated that Mr. Santos has signed a P & S with the current licensee and that they should have plans ready to be submitted to Inspectional Services for approval in about 2-3 weeks, with regard to the interior renovations; and that they were planning to open in October of this year.

Mr. Nanopoulos advised Mr. DaSilva that they needed to submit an application by July 1st, so that it may be reviewed to be put on the July agenda, in order for it to be approved by the ABCC in time for their planned opening in October.

Mr. Nanopoulos informed Mr. DaSilva and the Board that along with the transfer, the application would have to include a change of description to include any and all changes including the addition of the 3rd floor, which is being planned to be used as a banquet hall; and a change of license type from a GOPAA to a CVAA.

VOTED: Commissioner Almeida made a motion to table the matter until the Board's June 27th meeting. - **Unanimous**
Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your General on Premise All Alcoholic Beverages License.

6. PETITION - Trans. # 010 – Plot # 47--2

Sapatinha's Café, Inc. d/b/a Euphoria Lounge, Jose Borges, Jr. President, who is petitioning to **Alter the Premises** and to **Change the Description of the General on Premise All Alcoholic Beverages License**. Upon completion of the renovations due to a fire, the existing location will consist of an area approximately 1,730 sq. ft., on the first floor of a one-story building, which will include one room with a bar and lounge area with seating for seventeen (17) patrons, a dining room with seating for forty-four (44) patrons, a kitchen (proposed), and two restrooms; with an additional storage area in the basement. The main entrance is located on the southeast corner of the building onto Acushnet Avenue; along with one (1) additional entrance/exit in the rear of the building into the parking lot.

The premises is situated on the southeast corner of School Street and Acushnet Avenue, and numbered **289 Acushnet Avenue**.

Final approval will require a '**Certificate of Inspection**' from the Building Department, a new '**Food Permit**' from the Health Department, and a copy of '**Proof of Liquor Liability**'.

Application has been advertised; Abutters have been notified.

Tabled on 01/25/16

7. Hearing: Sapatinha's Café, Inc. d/b/a Euphoria Lounge

Mr. Jose G. Borges, Jr., Owner

289 Acushnet Avenue

Closed on 01/26/15 – Ongoing Renovations (Fire)

Prior Renewal Hearings: (6)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Minutes of 01/25/16 Meeting

Present: Jose G. Borges, Jr., Owner

When asked by Chairman Beauregard to update the Board as to where he was in the process, Mr. Borges reviewed the letter that was submitted on 12/21/15 by Atty. Sylvia on his behalf and stated that a plan regarding the handicap ramp is currently pending with the ADA Board in Boston; and that the engineer was awaiting that approval in order to finalize the renovation plans, in order to submit them to Mr. Romanowicz and the Board for approval.

VOTED: On a motion by Commissioner Almeida, the Board, **voted unanimously to table the matter until the February meeting.**

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your General on Premise All Alcoholic Beverages License.

8. Hearing: De Abreu & Sons, Inc. d/b/a Fortuna Grill

Mr. Manuel De Abreu Dos Reis, Owner/Manager

288 Union Street

Closed on 07/01/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your liquor license. Based on the findings as presented at the hearing, the Licensing Board may take action to revoke your license

As previously notified, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. The regulation states that all licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

Per our March 28, 2016 hearing, you indicated that the license had been sold and upon the signing of a purchase and sales agreement, you would begin the process of transferring the license. Based on this information, the matter was tabled until our May 23, 2016 hearing in which you failed to attend. Please be reminded that you have been granted seven (7) hearings with this board since the closure of your establishment in July of 2014.

At our March meeting, I indicated that you have been afforded ample opportunity to sell the license and strongly advised you move this license accordingly to avoid this board from having to take an adverse action.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Your failure to appear as requested will result in the automatic revocation of your license.

Tabled on 03/28/16

9. Hearing Nabih Moujabber d/b/a Lebanese Kitchen

Mr. Nabih Moujabber, Licensee

1487-1489 Purchase Street

Closed on 07/12/14 – Renovations (Fire)

Prior Renewal Hearings: (6)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Minutes of 03/28/16 Meeting

VOTED: Based on the information provided, in which he stated that he planned to move his ‘current’ business that was destroyed by fire to Mattapoisett, the Board **voted unanimously to table the matter until this Board’s June 27th meeting with the following stipulation:**

Effective June 1, 2016, you must take action with your license by either:

- Submitting paperwork for a change of location and a date certain for the opening at the new location;
- To have submitted an application for the sale and transfer of the license to a new owner.

The licensee was also notified of the following: Your license has been inactive since July 12, 2014 and you have been afforded ample opportunity to take action. We strongly advise that you make every attempt possible to activate this license to avoid our having to take revocation action. If you fail to initiate one of the two options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your Common Victualler Wine & Malt Only Beverages License.

Tabled on 03/28/16

10. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant

Ms. Xiaohui Yang, Owner

218 Union Street

Transfer Approved on 12/09/14 – “Proposed Hotel”

Prior Renewal Hearings: (4)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

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You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

03/28/16 Decision

VOTED: Commissioner Almeida made a motion to **table the matter until the Board's June 27th meeting.** – **Unanimous**
Based on the information provided by Atty. (Christopher) Markey at our last meeting, the Board is hopeful that enough progress will have been made by our June meeting that would permit you or your designee to submit an application for transfer; said applications must include plans approved by Mr. Romanowicz, Commissioner of Buildings, as well as from the Health Department.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

Tabled on 02/29/16

11. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty

Mr. Shang Ying Zhao, Manager of LLC

114-116 Nauset Street

Transfer Approved on 06/03/14 – Renovations

Prior Renewal Hearings: (4)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Minutes of 02/29/16 Meeting

VOTED: Commissioner Almeida made a motion to **table the matter until the Board's July 25th meeting** - **Unanimous**
The Board's decision was based on the update provided by Atty. Markey as to where his client currently stood in the process of receiving the required approvals from the city in order to start his renovations; and explained that certain issues arose that delayed and impeded the planned renovations of the proposed new location. Atty. Markey stated that his client had started the demolition of the inside of the two adjoining buildings in order to start the renovations, and that it was the hope of his client that those renovations would be complete by mid-summer.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

12. Hearing: VVK Realty, LLC

Mr. Gregory Kulpinski, Owner

1494-F East Rodney French Boulevard

Transfer Approved on 08/28/15 - Renovations

Prior Renewal Hearings: (4)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

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Minutes of 11/16/15 Meeting

Present: Mr. Kulpinski was excused from appearing.

Mr. Nanopoulos informed the Board that Mr. Kulpinski was in the process of securing financing and permits in order for him to start the renovations of the premises.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the March 2016 meeting.**

Minutes of 03/28/16 Meeting

Present: Licensee was excused from appearing.

Minutes of 04/25/16 Meeting

Present: Licensee did not appear as requested.

Minutes of 05/23/16 Meeting

Present: Licensee did not appear as requested.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

Tabled on 11/16/15

13. Hearing: Times Square Restaurant, Inc. d/b/a Bar 908

Mr. Thomas A. Kern, Manager

908 Purchase Street

Closed on 07/21/15 – Licensee Decision

Prior Renewal Hearings: (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

11/16/15 Decision

The Board voted unanimously to approve your renewal for 2016 and to table the matter until this Board's June 27, 2016 meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until June 1, 2016 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

Tabled on 10/19/15

14. Hearing: JAKIBRI, LLC d/b/a Kirby's Irish Pub

Mr. Jason Kirby, Manager/Co-Owner

818 Kempton Street

Closed on 09/21/15 – Licensee Decision

Prior Renewal Hearings: (2)

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If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

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You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

10/19/15 Decision

The Board voted unanimously to approve your renewal for 2016 and to table the matter until this Board's June 27, 2016 meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until June 1, 2016 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

Tabled on 11/16/15

15. Hearing: Ramon D. Silva Enterprises, LLC d/b/a "Union City"

Mr. Ramon D. Silva, Owner

248-250 Union Street

Closed 11/16/15 – Licensee Decision

Prior Renewal Hearings: (1)

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11/16/15 Decision

The Board voted unanimously to approve your renewal for 2016 and to table the matter until this Board's June 27, 2016 meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until June 1, 2016 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

Tabled on 09/21/15

16. Hearing: Vila Franca Do Campo, Inc. d/b/a Vila Franca Restaurant Cafe

Mr. Carlos A. Santos, President

601 Second Street

Closed 08/28/15 – Licensee Decision

Prior Renewal Hearings: (1)

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If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

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09/21/15 Decision

The Board voted unanimously to approve your renewal for 2016 and to table the matter until this Board's June 27, 2016 meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until June 1, 2016 to initiate one (1) of the following three (3) options prior to this date:**

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- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

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17. Hearing: Candleworks Ventures, LLC

Mr. Andrew F. Rockett, Manager of LLC

72 North Water Street

Transfer Approved on 04/08/16 – Never Opened

Prior Renewal Hearings: (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

18. Hearing: Portugal Verde Soccer Academy, Inc.

Mr. Isaias M. Furtado, Manager

424 Nash Road

Transfer Approved on 12/09/15 – Never Opened

Prior Renewal Hearings: (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your General on Premise Wine & Malt Only Beverages License.

19. Hearing: Howland Mills Restaurant, Inc. d/b/a The Sky Room

Mr. Curtis J. Mello, Manager

651 Orchard Street

Transfer Approved on 4/05/16 – Never Opened

Prior Renewal Hearings: (0)

Your presence, on behalf of Howland Restaurant, Inc., is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

20. Hearing: Tropicana Bar & Grille, Inc.

Mr. Miguel Barbosa, Co-Owner

1700 Purchase Street

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all

days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation; **as well as completing the enclosed form and submitting it to the Board that evening.**

Violation: Licensing Board Regulation No.20

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

As a result of your failure to be in compliance with the law, the Board must take action and **as such you are hereby ordered to bring with you your 2016 Liquor License.** Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

21. APPLICATION, (No Representation Required)

New Bedford Festival Theatre, Inc., Armand R. Marchand, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'After Show Opening Night Reception' to be held at the **UMD Star Store Gallery**, located at **800 Purchase Street**; and to be held on **Friday, July 22, 2016 from 10:00 p.m. until 11:45 p.m.**

22. APPLICATION, (No Representation Required)

Immigrants' Assistance Center, Inc., Helena S. Martins, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a 'Fundraiser' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held on **Thursday Aug. 11, 2016, from 7:00 p.m. until 10:00 p.m.**

23. APPLICATION, (No Representation Required)

Jennifer & Derek Frates, Applicant, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for 'Arya's Christening' to be held at the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Sunday, August 21, 2016, from 2:00 p.m. until 4:00 p.m.**

24. APPLICATION, (No Representation Required)t

New Bedford Jewish Convalescent Home, Ruth Glicksman, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Cocktail Party Fundraiser' to be held at the **New Bedford Jewish Convalescent Home**, located at **200 Hawthorn Street**; and to be held on **Sunday, September 18, 2016, from 5:30 p.m. until 9:30 p.m.**

25. APPLICATION, (No Representation Required)

Acushnet Veterans Memorial Committee, Thomas J. DaCosta, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Adam Taylor Foundation Fundraiser' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Sunday, September 18, 2016, from 1:30 p.m. until 6:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured & a copy of the Police Detail Contract)**

****NO CHANGES, AS PREVIOUSLY APPROVED****

26. APPLICATION, (No Representation Required)

Stacy Parker, Applicant, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Wedding Reception' to be held at the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Saturday, September 24, 2016, from 4:30 p.m. until 9:30 p.m.**

CORRESPONDENCE**From: Kim S. Gainsboro, ABCC Chairman****Dated -06/24/16 Received -06/29/16****Re: Pub 6 Social Corp. d/b/a Pub 6 at The Sixth Bristol Club****736 Ashley Boulevard**

Notice of Hearing Date: Tuesday, July 26, 2016 @ 10:30 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 138, sec. 23 – Sale of alcoholic beverages other than those purchased from a licensee under sec. 18 or sec. 19 or from a holder of a special license under sec. 22A.

Date of Alleged Violation: Thursday, February 18, 2016 at approx. 9:20 p.m. (ABCC Investigation & Hearing)

From: Kim S. Gainsboro, ABCC Chairman**Dated -06/27/16 Received -06/30/16****Re: Loyal Order of Moose, Inc. d/b/a N. B. Lodge #914****119 Rockdale Avenue**

Notice of Hearing Date: Tuesday, July 26, 2016 @ 3:00 p.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows:

204 CMR 2.05 (1) – Permitting Gambling;

204 CMR 2.05 (2) – Permitting an illegality on the licensed premises to wit; M.G.L. CH. 140, sec. 177A (6) – No Person keeping or offering for operation, or allowing to be kept or offered for operation, any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

Date of Alleged Violation: Friday, February 26, 2016 at approx. 1:00 p.m. (ABCC Investigation & Hearing)

- **COMPLAINTS RECEIVED:**

---NONE---

- **REVIEW POLICE DEPARTMENT INCIDENT REPORTS/ COMPLAINTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Hungry Whale	#16 – 1489 - AR	05/31/16	Assault on a Law Enforcement Officer (Approximate Time of Violation 12:23 a.m.)
2. Hungry Whale	#16 – 7520 – OF	06/21/16	Disturbance/Man Assaulted (Follow-Up Investigation & Charges)
3. Hungry Whale	#16 – 1781 - AR	06/22/16	Open Container Violation (Approximate Time of Violation 4:10 p.m.)
4. Hungry Whale	#16 – 1897 - AR	06/30/16	Open Container Violation (Approximate Time of Violation 1:29 p.m.)
5. Hungry Whale	#16 – 8021 - OF	07/01/16	Disturbance/ Patron Related/Stabbing (Approximate Time of Violation 8:52 p.m.)
6. Hungry Whale	#16 – 8077 - OF	07/03/16	Serving to Intoxication/ After Hours? (Approximate Time of Violation 2:09 a.m.)
7. Hungry Whale	#16 – 1982- AR	07/07/16	Serving to Intoxication (Approximate Time of Violation 10:27 p.m.)

Police Call Log (Since 01/22/16):

- Disturbances (21)
- Drunk Disturbing (3)
- Fight in Progress (2)
- Direct Patrol (5) – Since 06/17/16

8. Tropicana Bar	#16 – 8710 – OF	07/16/16	Disturbance/Patrons Leaving Premises w/Alcohol/Pepper Spray Used (Approximate Time of Violation 12:26 a.m.)
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9. Slainte* #16 – 2066 – AR 07/15/16 Disturbance/Intoxicated Patron
(Approximate Time of Violation 12:58 a.m.)**

**#16 – 2099 – AR 07/17/16 Patron Leaving Premises w/Alcohol
(Approximate Time of Violation 1:36 a.m.)**

*****It was noted on the report that in calendar year 2016, this establishment has seen over 26 police involved incidents, resulting in approximately 5 arrests.**

- **NEXT TWO MEETING DATES:** August 29th & September 26th both on Mondays in Room 314
- **MEETING ADJOURNED:**