

**LICENSING BOARD MEETING****-MINUTES-**

**Monday, July 25, 2016**  
**Room 314 – 7:00 p.m.**

**PRESENT:** 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 (Unable to Attend – Family Issue)

*City Council*

**MOTION TO ACCEPT THE MEETING MINUTES OF June 27, 2016 - Unanimous**

**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**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

**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**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

**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) – 1<sup>st</sup> Attempt**

**VOTED:** To accept the application back from the ABCC, and to re-submit the application to the ABCC "for reconsideration", only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

**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)*

**Present:** *No one was required to attend.*

**Voted:** Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**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.*

**Present:** *No one was required to attend.*

**Voted:** Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**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.*

**Present:** *Jere A. Espejo, Applicant*

Responding to questions from Chairman Beauregard, Ms. Espejo stated that there were no plans to change the day to day operation of the premises, except adding a couple of more pool leagues to the mix; and that that she's been working as a bartender since she was 18 yrs. old, and that she currently manages and bartends at Knucklehead's Bar & Grille; and that she has been T.I.P.S. Certified since 2003 but her certification just expired, and she's in the process of getting re-certified.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to approve the petition as presented**, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Espejo submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

**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.*

**Present:** *Luis DaSilva, Representing Mr. Santos, Applicant & Proposed Manager*

Responding to questions from Chairman Beauregard, Mr. DaSilva stated on behalf of Mr. Santos that he was requesting a transfer of the liquor license from Royal Food & Beverage, Inc. to Mr. Santos, and if approved, the license along with the building would be sold together or the license would be sold with the building being leased to the purchaser. He also stated that they stopped the renovations that they started, due to their purchase of the Candleworks Building; he also stated that they had a few people who were interested in buying or leasing the building to which the license would be sold.

When asked by Chairman Beauregard as to what the time frame would be in which the license would be sold, Mr. DaSilva stated that it was his understanding that it could be sold within a month or two; and that he has two people looking at it both as restaurants. Chairman Beauregard informed Mr. DaSilva that if the application has not been approved by the November meeting, or if approved, if an application is not submitted in time for the November Meeting, either Mr. Escobar or Mr. Santos would have to appear to discuss the renewal of the liquor license.

**Voted:** Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**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 1<sup>st</sup>, 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 3<sup>rd</sup> 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 Boards June 27<sup>th</sup> 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.

**Present:** *No one was required to attend.*

**VOTED:** Commissioner Almeida made a motion to remove item #5 with no further action to be taken, as a result of an application for transfer being submitted (see item # 4) – **Unanimous**

## **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.**

**Present:** *Jose Borges, Jr., Owner/Manager*

Responding to questions from Chairman Beauregard, Mr. Borges stated the plans have been approved by the State ADA office;

as well as by the Building Department and that he was ready now to continue the renovations; and that the door on the Acushnet Avenue side of the building would be used as the main entrance; and the back door would only be used as a fire exit and for handicap accessibility.

When asked by Chairman Beauregard as to when he thought he may be ready to re-open, Mr. Borges responded, "probably in about two months".

When asked about the kitchen, Mr. Borges stated that the kitchen will be added in the future, and that they were just trying to get open first; and that for the time being, the space would only be used for storage until they finish it off.

**Voted:** Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**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.**

**VOTED:** Commissioner Almeida made a motion to remove item #7 with no further action to be taken, as a result of an application for transfer being submitted (see item # 6) – **Unanimous**

**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 to 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.**

**Present: Atty. Steven Brown sitting in for Atty. Andrew Ruff, representing Mr. De Abreu Dos Reis, Owner/Manager**

Atty. Brown speaking on behalf of the licensee stated that there was a signed Purchase and Sale Agreement and that a deposit has been paid, and that the closing date on the P & S is within three days of receiving the ABCC approval.

When asked by Chairman Beauregard as to whom it was sold, Atty. Brown stated that the agreement is with New Taipei, Inc. d/b/a Taipei Asian Cuisine, located at 37 Rockdale Avenue, to which the license will be transferred; and that an application would be submitted by the buyer, but he didn't know when that would be submitted, since he didn't have that information.

In response to Atty. Brown not being able to tell the Board when an application would be submitted, Chairman Beauregard also voiced his concern that Mr. DeAbreu was not present as requested.

**Voted:** Based on the information Atty. Brown provided to the Board, in which he stated that the licensee has agreed to sell his license, Commissioner Almeida made a motion to **table the matter until this Board's August 29, 2016 meeting.** -

**Unanimous**

**Note:** An application for a Transfer of License must be submitted as soon as possible but no later than Friday, August 26, 2016.

**VOTED:** Commissioner Almeida made a motion to remove item #9 from the table and to take up the matter at this time. -

**Unanimous**

**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 27<sup>th</sup> 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. **Your failure to appear as requested will result in the automatic revocation of your license.**

**Present: Nabih Moujabber, Owner**

Responding to questions from Chairman Beauregard, Mr. Moujabber stated that it was now his intention to sell the license, and that he had received a couple of calls from people showing interest in purchasing the license; although he still had some interest in opening up a restaurant at either the current location or at the "car barn" location. Upon listening to Mr. Mr. Moujabber's plan, Chairman Beauregard responded, it looks like you've got some issues on the corner ("car barn") ... and the building is a long time from being ready to open ... so my suggest would be that you make every attempt possible to sell your beer and wine license ... and if in fact that in six months or a year from now ... you get that building up and running ... there will always be licenses out there available for you to pick up then.

Mr. Moujabber stated he would pursue the people who have called him showing interest.

Chairman Beauregard responded, you need to make a good faith attempt ... because it's now been since 2014 that it hasn't been used. ...so you need to do everything in your power to move this license.

Chairman Beauregard suggested that the matter be tabled to the September meeting, in order to give Mr. Moujabber ample time to find a buyer for his license.

**VOTED:** Commissioner Almeida made a motion to **table the matter until the Board's September 26<sup>th</sup> meeting.** – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to remove item #10 from the table and to take up the matter at this time. – **Unanimous**

**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.

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**

**VOTED:** Commissioner Almeida made a motion to **table the matter until the Board's June 27<sup>th</sup> 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.**

**Present: Atty. Christopher Markey along with Arthur DeMelo, Property Manager**

Atty. (Christopher) Markey stated that it's now Ms. Yang's intention to sell her license due to a much longer construction time than was originally anticipated, and that they were going to put it on the market and see how it goes. Atty. Markey stated that

she was prepared to sign the renewal and pay for the license, if it's not sold by the end of the year.

Chairman Beauregard suggested that the matter be tabled to the November meeting, in order to give Ms. Yang time to find a buyer for her license.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Board's November 21<sup>st</sup> meeting. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to remove item #11 from the table and to take up the matter at this time. – **Unanimous**

**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.**

**Present: Atty. Christopher Markey**

Atty. Markey stated that he spoke with Mr. Zhao today, and that he stated due to certain issues that arose that delayed and impeded the ongoing renovations, and that his client now has a crew working six days a week on the demolition of the inside of the two adjoining buildings in order to complete the renovations, and that it was the hope of his client that those renovations would be complete by December 1, 2016.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Board's November 21<sup>st</sup> meeting. – **Unanimous**

**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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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 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.**

**Present:** Mr. Kulpinski was excused from appearing.

Chairman Beauregard stated that he was informed by Mr. Nanopoulos that Mr. Kulpinski had signed a Purchase and Sale Agreement with the new brew pub project (Moby Dick Brewing Company) that's slated to open at 52 Union Street. Based on that information, he suggested that the matter be tabled to the Board's December meeting.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Board's December 19<sup>th</sup> meeting. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to remove item #13 from the table and to take up the matter at this time. – **Unanimous**

**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.**

**Present: Mr. Kern was excused from appearing.**

Chairman Beauregard stated that Mr. Kern submitted plans prior to the meeting regarding the ongoing renovations of his establishment, and that he planned to re-open it as a sports bar as soon as the renovations are complete.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Board's November 21<sup>st</sup> meeting. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to remove item #14 from the table and to take up the matter at this time. – **Unanimous**

**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)**

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.

**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.**

**Present: Jason Kirby, Co-Owner along with Brian Kirby, also a Co-Owner,**

Mr. Kirby stated that he had a signed P & S Agreement to transfer his license to Douglas Grace, and that the license would be staying at the current location; and he was only waiting for your Certificate of Good Standing to complete the application; and that he anticipated that the application would be submitted in time for the September meeting.

Mr. Kirby was informed that all applications submitted after August 12, 2016 must be submitted electronically through the new ABCC ePlace Portal System.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Board's November 21<sup>st</sup> meeting. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to remove item #15 from the table and to take up the matter at this time. – **Unanimous**

**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)**

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.

**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.**

**Present: Ramon D. Silva, Owner**

Mr. Silva stated that he had someone interested in purchasing his license, which would be used at a different location; and that he anticipated that an application would be submitted in time for the September meeting, if a P & S Agreement was signed within the next few days.

Mr. Silva was advised that all applications submitted after August 12, 2016 must be submitted electronically through the new ABCC ePlace Portal System.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Board's November 21<sup>st</sup> meeting. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to remove item #16 from the table and to take up the matter at this time. – **Unanimous**

**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)**

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.

#### **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:**

- 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.**

**Present: Did not appear as requested.**

**VOTED: Commissioner Almeida made a motion to table the matter until the Board's August 29<sup>th</sup> meeting. – Unanimous**

### **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.**

**Present: Mr. Rocket was excused from appearing.**

Chairman Beauregard stated that he was informed by Mr. Nanopoulos that Mr. Rockett had signed a Purchase and Sale Agreement with Albert Santos, who also bought the building; and that the license would be used at that location for his "Carmine's Project", which was previously planned for his Royal II location at 123 MacArthur Drive.

**VOTED: Commissioner Almeida made a motion that the Board takes no further action on item # 17. – Unanimous**

**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.**

**Present: Mr. Isaias M. Furtado, Owner**

Upon listening to Mr. Furtado’s explanation as to why he’s still not in compliance with both the Building and Fire Departments; and to his statement that he’s already spent \$40,000.00 there, and that he still does not have his license;

Chairman Beauregard responded, well you’re going to have to get into compliance to allow us to issue your license.

Chairman Beauregard suggested that the matter be continued for two months until the September meeting and suggested that he contact Mr. Romanowicz (Commissioner of Buildings) directly to get this resolved as soon as possible, since this license yet to be issued since was approved on 12/09/15.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Board’s September 26<sup>th</sup> meeting. – **Unanimous**

**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.**

**Present: Atty. John Williams**

Atty. Williams stated that he had someone (Christian Farland) interested in purchasing his license, which would be used at a different location; and that you anticipated that an application would be submitted in the next couple of months, once a P & S Agreement was signed.

Atty. Williams was advised that all applications submitted after August 12, 2016 must be submitted electronically through the new ABCC ePlace Portal System; and that if an application for a transfer of license was submitted and approved by the Alcoholic Beverages Control Commission by November 1, 2016, he would not be required to appear as notified.

**Note:** An application was submitted by Mr. Al Peters on behalf of **Vault, LLC d/b/a Greasy Luck Brewery for 791-797 Purchase Street on 09/26/16**; the application is now pending with the ABCC.

**VOTED:** Commissioner Almeida made a motion to **table the matter until the Board's November 21<sup>st</sup> meeting.** – **Unanimous**

**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.**

**Present: Miguel Barbosa, Owner**

Chairman Beauregard opened the hearing by informing Mr. Barbosa that the purpose of the meeting is to determine the operating hours of the premise, with regard to what days you're open and what hours you are open on those days; adding, the times we've been by you haven't been open, and the license unfortunately, does not allow you to open when you feel like it opening up.

Responding to questions from Chairman Beauregard, Mr. Barbosa stated, recently I just got transferred from my other job to Hingham ... on a different shift ... which is temporary ... I probably have another month or two until I can go back to my regular shift ... at which time I'll be able to add more hours to open up ... right now I'm open 4 days a week ... Thursday, Friday, Saturday, & Sunday ... I'm doing 6p.m. until 2a.m. on Thursday, Friday, and Saturday ... and 4 p.m. until 12 a.m. on Sunday ... and these have been the hours for the past 5 or 6 months.

When asked by Chairman Beauregard as to what his hours would be in another month when he gets back to his old job, Mr. Barbosa responded, I'm thinking about selling ... putting it on the market ... probably after the first of the year.

The Board also reviewed a recent Police Report on an incident that occurred on 07/16/16 with Mr. Barbosa, during which Mr. Barbosa used pepper spray to control the crowd. The Board also voiced their concern regarding the lack of adequate security on the premises, most notably when entertainment is being offered.

Mr. Barbosa stated that some new faces have started to show up at his establishment.

When asked about the high number of calls to his establishment that are appearing on the Police Log, Mr. Barbosa responded, a lot of those calls were made by me, in order to ensure the safety of my patrons, when I sensed that there may be a problem.

Chairman Beauregard informed Mr. Barbosa that the hearing tonight was just a meeting on these issues, so no action would be taken tonight but warned Mr. Barbosa that his establishment is now on their radar, and it will be monitored closely.

Chairman Beauregard also suggested that he have more security on site based on the amount of incidents that are occurring.

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 21 - 26** at one time; waive reading; and approve the applications as presented -- **Unanimous**

**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)**

**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)

**ACTION TAKEN:** Received & Placed on File.

**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)

**ACTION TAKEN:** Received & Placed on File.

• **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.)
• Hungry Whale	#16 – 21339- AR	07/20/16	Drug Sales on Premises (Approximate Time of Violation 9:43 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

**Decision:** Bring for a Hearing on 08/29/16

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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**Decision:** Receive & Place On File with a Warning Letter

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.)

**Decision:** Receive & Place On File with a Warning Letter

- **NEXT TWO MEETING DATES:** August 29<sup>th</sup> & September 26<sup>th</sup> both on Mondays in Room 314 - **APPROVED**
- **MEETING ADJOURNED:** 7:58 P.M.

**LICENSING BOARD MEETING****-MINUTES-****Monday, August 29, 2016****Room 314 – 7:00 p.m.****PRESENT: Steven A. Beauregard, Chairman****Marcelino "Sonny" G. Almeida, Commissioner (Absent Due to Illness)***City Council***Edmund F. Craig, Jr., Commissioner****Atty. John A. Markey, Jr., Asst. City Solicitor****Lt. Joao Chaves, Police Department Liaison to the Lic. Bd.****Nick Nanopoulos, Director****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION****New Wine & Malt License - Trans. # 231 – Plot # 8--36**

**Kaitlyn Duarte d/b/a Expo's**, who is petitioning as an individual for a **New Retail Package Store Wine and Malt Only Beverages License**. The proposed licensed premises is a convenience store located on the first floor of a three-story building in an area approximately 1,316 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes two rooms for storage in the rear of the building. Alcohol will also be stored in the basement. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located at the rear of the building. The premise is situated on the east side of Brock Avenue, between Charles and Aquidneck Streets, and will be numbered **332 Brock Avenue**.

Final approval will require a 'Certificate of Inspection' from Inspectional Services.

**Approved By ABCC – 07/25/16**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

**Change of Officers & Directors - Trans. # 029 – Plot # 99—132**

**Casa Do Benfica No. 27, Inc., Jose M. Toledo, 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, Jose M. Toledo will be the President, David Fernandes will be the Vice-President, Michael Mendonca will be the Treasurer, and Jose Brasil will be the Secretary; and Vasco DaSilva, Joao Martins, and Paulo Cordeiro will all be Co-Directors. **Daniel Da Costa** will remain as the **Manager**. Premises will remain the same at **1484 Acushnet Avenue**.

**Approved By ABCC – 08/03/16**

**Change of Officers & Directors - Trans. # 132 – Plot # 19-108-A**

**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**.

**Approved By ABCC – 08/11/16**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

**Transfer of License - 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**.

**Approved By ABCC – 08/11/16**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**



## DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

### Altering of Premises/Change of Description - 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**.

**Disapproved By ABCC – 08/03/16 - Failure to Comply With Mass Tax Laws (DUA) – 1<sup>st</sup> 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.**

**VOTED:** To accept the application back from the ABCC, and to re-submit the application to the ABCC "for reconsideration", only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

### 1. APPLICATION, Representation Required

**Marion Institute, Inc., Robyn Branco, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Taste of September Fundraiser Event' to be held within the **Low Tide Yacht Club and adjacent tented area**, located within **Fort Taber**; and to be held on **Thursday, September 15, 2016, from 5:30 p.m. until 8:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured)*

**Present: Robyn Branco, Applicant**

Responding to questions from Chairman Beauregard, Ms. Branco stated that liquor service would be provided on the deck off the adjacent tented area, and the alcohol would be contained within the building and the adjacent tented area and deck; and since this was a first time event, that they are anticipating around 70 – 100 attendees that evening; and that they were going to have a 4 piece Jazz Band as entertainment; and that the "Cocktail Guru" would be providing the alcohol.

**Voted:** Commissioner Craig made a motion to approve the petition as presented. – **Unanimous**

### 2. APPLICATION, Representation Required

**Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Play on Purchase Street' event to be held **within an enclosed area on Purchase Street contiguous to the Pour Farm Tavern**, located at **780 Purchase Street**; and to be held on **Thursday, September 1, 2016, from 6:00 p.m. until 8:00 p.m.**

*(Final approval will require Liquor Liability and a copy of the Police Detail Contract)*

**Present: Noah Griffith, Manager**

When asked by Chairman Beauregard as to what his plans were for this event, Mr. Griffith responded, what we're looking to do because of the closure of Purchase Street ... where they (City) plan on having bands and other types of entertainment ... to attract people and get them out to make downtown more friendly ... and to get people out during the week ... as part of this ... they've asked us to possibly have an outdoor drinking area ... so it would be a fenced off area ... clearly not taking up all of Purchase Street at all ... it's just immediately outside of Pour Farm ... in an area about 20' x 30' feet ... and it would run from the Wing's Court area to the front door of Pour Farm ... it would only be accessible by walking through our outside dining area ... so there's no in and out from the outside door ... you won't be able to get in and out by crossing over a rope or anything. When asked by Chairman Beauregard as to what would stop anyone gaining access through Wing's Court by coming through the Union Street side up to the Purchase Street side, Mr. Griffith responded, Wing's Court would remain open but we have it blocked off coming from our outside dining area ... we'll have our rope go around so that there will be a clear division. When asked by Chairman Beauregard as to how far onto Purchase Street they planned on going, Mr. Griffith responded, about 20 feet, just over the curb and over to the edge of Wing's Court; and it will be enclosed with a fence barrier.

Mr. Griffith also stated that the Police Detail has already been organized and set up by the City of New Bedford.

Mr. Griffith also stated that the City is also requesting an additional date of 09/08/16, which would have the same set up.

Mr. Griffith stated that no alcohol would be served in the described outside area, and that it would only be used as a 'drinking area' with the alcohol being purchased either from the inside bar or ordered through staff that would be assigned outside.

**Voted:** Commissioner Craig made a motion to approve the petition as presented. – **Unanimous**

### **3. APPLICATION, Representation Required**

**Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Belgian Beer'd Fest' to be held **within Wing's Court**, and to be held on **Sunday, October 9, 2016, from 12:00 p.m. until 7:00 p.m.**

*(Final approval will require Liquor Liability and a copy of the Police Detail Contract)*

**Note:** Event may extend into the street, pending City Council approval.

**Present:** *Noah Griffith, Manager*

When asked by Mr. Nanopoulos if the City Council had approved the street closing for this event, Mr. Griffith stated that they had, and that they planned on serving alcohol in the enclosed area relative to the street closing; adding that there would be a wrestling ring set up in front of the Pour Farm.

When asked by Chairman Beauregard if he was going to use the Wing's Court and Purchase Street, Mr. Griffith responded, no ... for this event ... we would only be using Purchase Street ... but if you don't approve the Purchase Street area ... we'll use the Wing's Court area as we have done in the past.

Chairman Beauregard stated that he would prefer if they used Wing's Court area as they have done in the past, to which Mr. Griffith responded, I do understand that and I don't have a problem doing it there ... we were just trying to do something different and see if it works out ... and if it doesn't work out ... again ... we don't have a problem doing it in Wing's Court ... but if we could try and do it on Purchase Street ... but unfortunately ... the whole street would have to be closed down ... but we're just looking for the area immediately in front of Pour Farm ... to the beginning of Crush ... that's a whole building away from No Problemo ... and I've spoken to Craig Paiva ... and he has absolutely no problem with it ... again, there would be clear division lines where the beginning and end of this is ... we would have a Police Detail.

Chairman Beauregard suggested that they plan on Wing's Court and let's see how the two previous events discussed go, and if we don't have any problems and we don't get any complaints from the neighbors; we can have another discussion in October ... but either way you're going to have it.

**Voted:** Commissioner Craig made a motion to approve the petition as presented with the stipulation that it may be amended in October to include Purchase Street. – **Unanimous**

### **4. PETITION - Trans. # 174 – Plot #18--107 (No Representation Required)**

**People's Super Liquor Store, Inc. d/b/a Douglas Wine & Spirits, John Haronian President**, who is petitioning for a **Change of Director of the Retail Package Store All Alcoholic Beverages license**. The petitioner is requesting that the resignation of James W. Clarkin, Co-Director, who is currently on file with the Alcoholic Beverages Control Commission, be accepted; and that **Elizabeth Walker** be approved as the **new Co-Director**. Upon approval, John Haronian will remain as the President, Treasurer, Secretary, Co-Director, and Sole Interest Holder (100%); and **Elizabeth Walker** will be a **Co-Director**. Thorpe J. Doran will remain as the Manager. Premises will remain the same at **446 Dartmouth Street**.

*(No Advertisement nor Abutters Notification Required)*

**Present:** *No one was required to appear.*

**Voted:** Commissioner Craig made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

### **5. PETITION - Trans. # 167 – Plot # 123--43 (No Representation Required)**

**New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, Jarod M. Santoro, President**, who is petitioning for a **Change of Sole Director of the Retail Package Store All Alcoholic Beverages license**. The petitioner is requesting that the resignation of James W. Clarkin, Co-Director, who is currently on file with the Alcoholic Beverages Control Commission, be accepted; and that **Craig Power** be approved as the **new Sole Director**. Upon approval, Jarod M. Santoro will remain as the President, Treasurer, Secretary, and Sole Interest Holder (100%); and **Craig Power** will be the **Sole Director**. Kathleen Mello will remain as the Manager. Premises will remain the same at **500 King's Highway**.

*(No Advertisement nor Abutters Notification Required)*

**Present:** *No one was required to appear.*

**Voted:** Commissioner Craig made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**Voted:** Commissioner Craig made a motion to take item # 22 out of order, and to take up the matter at this time. – **Unanimous**

**6. PETITION - Trans. # 094 - Plot # 106--85 (No Representation Required)**

**St. Michael Social Club, Inc., Joao Medeiros, 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, Joao Medeiros will remain as the President, Chris Pereira will be the (New) Vice-President, Rodolfo Botelho will remain as the Treasurer, and Luis Pacheco will remain as the Secretary; and Jose Soares, Paul Amaral, and Paulo J. Pacheco will all remain as Co-Directors. Joao Raposo, Joe Avelar, Jorge Amaral, Roberto Bento and Fernando Pacheco all have been added as "New Co-Directors". **Joao A. Raposo** will remain as the **Manager**. Premises will remain the same at **101 Madeira Avenue**.

**(No Advertisement nor Abutters Notification Required)**

**Present:** *No one was required to appear.*

Mr. Nanopoulos informed the Board that this application that was before them was also for a Change of Officers and Directors, which would update the current list of officers and directors that are on file with the ABCC, per the Commission's directive of 09/30/14; and that no representation was required, since the manager was staying the same.

**Voted:** Commissioner Craig made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**7. Hearing: St. Michael Social Club, Inc. – "NO FURTHER ACTION REQUIRED"**

**Joao A. Raposo, Manager**  
**101 Madeira Avenue**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

You have until **August 22, 2016** to submit an application for a **Change of Officers and Directors** that reflects your current slate of officers.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2016 Liquor License**. Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

**Present:** *No one was required to appear.*

**VOTED:** Commissioner Craig made a motion to take no further action on Item #7, as a result of an application that was previously approved (see item # 6) – **Unanimous**

**8. PETITION - Trans. # 031 - Plot # 23--9**

**161 Highland Avenue, Inc. d/b/a Trio Restaurant, 418-420 Rivet Street**, is requesting the approval of **Paul T. Rodrigues**, who resides at **16 Belmont Street, Fall River, MA.** as their new manager.

**Present:** *Paul T. Rodrigues, Proposed New Manager*

Responding to questions from Chairman Beauregard, Mr. Rodrigues stated that he's been a manager and owner of a restaurant for 20 years, and that there were no changes planned with regard to the day to day operation of the premises.

Chairman Beauregard stated that he had spoken with Mr. Rodrigues regarding a CORI issue, and that he felt comfortable in allowing the application to proceed forward.

**Voted:** On a motion by Commissioner Craig, the Board **voted unanimously to approve the petition as presented**, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. Rodrigues submit a copy of his T.L.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all his servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

**9. PETITION - Trans. # 019 - Plot # 53--68**

**Candleworks Ventures, LLC, Andrew F. Rockett, Manager of LLC**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Carmine's, NB, Inc. d/b/a Carmine's**. Upon approval, Albert Santos will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); **Jessica Cabral** is the **Proposed Manager**.

The proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License to Baycoast Bank** with an address of **330 Swansea Mall Drive, Swansea, MA.** as security to authorize and execute a promissory note in the amount of **One Million, Six Hundred Sixty –Two Thousand, and Five Hundred Dollars (\$1,662,500.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Premises will remain the same as follows: The licensed premise will consist of an area approx. 3,280 sq. ft., on the first floor of a four –story building, which will include a dining area and lounge area with a bar, and a kitchen; with two restrooms in the front foyer and an additional area, approx. 750 sq. ft., for the storage of alcohol in the sub-basement. There is also an outdoor patio area, approx. 870 sq. ft., for dining that is contiguous to the main dining room on the north side of the building that is accessible from the dining room. There is one entrance/exit in the front of the building that leads onto North Water St., along with an additional entrance/exit on the east side of the building that leads into the parking lot; and an additional entrance/exit from the patio area into the parking lot. Premise is located on the east side of North Water Street between Elm and Rodman Streets, and is numbered **72 North Water Street.**

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

*Application has been advertised; Abutters notification not required*

***Present: Jessica Cabral, Proposed New Manager along with Luis DaSilva, General Manager***

Responding to questions from Chairman Beauregard, Mr. DaSilva stated that the plan was to operate an Italian Restaurant, which would seat roughly 80-90 people with seating for 24 at the bar; along with seating for 12 in the coffee café and the balance of the seating in the dining room; and that they would be extending the current bar, and that they would be adding a café bistro area, which would be located within the current dining area.

When asked by Chairman Beauregard to describe the café bistro area further, Mr. DaSilva stated that it was basically a coffee shop with homemade cookies ... cannoli ... and that the hours would be no different than those hours for the restaurant.

When asked by Chairman Beauregard if they would be offering entertainment, Mr. DaSilva stated that there would not be any entertainment.

Responding to questions from Chairman Beauregard, Ms. Cabral stated that she worked in the industry for over 15 plus years, and that she's assisted in managing 5 restaurants, and that she was T.I.P.S. Certified and that all her staff would also be certified as well.

**Voted:** On a motion by Commissioner Craig the Board **voted unanimously to approve the petition as presented**, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Cabral submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

#### **10. PETITION - Trans. #232 – Plot # 78--101**

**E Z Convenience & Gas, LLC d/b/a Mutual Mart, Hitesh Patel, Manager of LLC**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License.** Upon Approval, Hitesh Patel will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC. **Hitesh Patel** will also be the **Manager of the Liquor License.**

The proposed licensed premises is a convenience store located on the first-floor of a one-story building in an area approximately 2,200 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes two rooms for the storage of alcohol. There is one (1) entrance/exit in the front of the building, as well as one additional entrance/exit located on the south side of the building leading into the storage rooms, which will be used for deliveries only.

The premise is situated on the east side of Purchase Street, between Austin and Linden Streets, and will be numbered **1800 Purchase Street.**

Final approval will require a '**Certificate of Inspection**' from the Building Department.

*Application has been advertised; Abutters have been notified.*

***Present: No one was required to appear.***

Mr. Nanopoulos informed the Board that after notifying Atty. Fingliss that the hearing would be held with only two Board Members due to the absence of Commissioner Almeida due to a sudden illness, Atty. Fingliss requested that the hearing on the petition be tabled until the October meeting, so that the application could be considered before a full board.

**Voted:** Based on Atty. Fingliss' request, the Board, on a motion by Commissioner Craig, **voted unanimously to table the matter to the Board's October meeting.**

# **11. PETITION - Trans. # 104 – Plot # 47--37**

**VVK Realty, LLC, Gregory Kulpinski, Manager of LLC**, for a license currently issued at **1494-F East Rodney French Boulevard**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Moby Dick Brewing Company, Inc.**, who is also requesting a **Change of Location**. Upon approval, David N. Slutz will be the President, Co-Director, and Co Shareholder (16.6%), Peter T. Kavanaugh will be the Treasurer, Co-Director, and Co-Shareholder (16.6 %), and Robert V. Unger will be the Secretary, Co-Director, and Co-Shareholder (16.6%), and Richard Lafrance, Maureen Sylvia Armstrong, and Randall T. Weeks, Jr. will all be Co-Directors and Co-Shareholders (16.6 % Each). **Richard Lafrance** will be the **Manager of the Liquor License**. The proposed new brew house will consist of an area approximately 4, 700 sq. ft. on the first floor of a two-level building (2<sup>nd</sup> Floor Not Included), which will include a Brewing Room, a Dining Area with Bar Area, a Conference/Private Dining Room, a Retail Store Area, Kitchen Area with Storage Area, an Office Area, and Four (4) Handicap Accessible Restrooms. The premises will have one (1) entrance/exit in the front of the building onto Union Street, one (1) entrance/exit onto South Water Street, and two (2) emergency/service exits in the rear of the building that lead directly into both the kitchen and storage areas. There will be additional storage in the basement. The proposed licensed premise is situated on the south side of Union Street, between JFK Memorial Highway, and will be **numbered 52 Union Street. (Final Licensing Board Approval Required Upon Completion of the Renovations)**

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

*Application has been advertised; Abutters have been notified*

***Present: Atty. Christopher Saunders, Representing Moby Dick Brewing Company, Inc. (Richard LaFrance was unable to attend as a result of being delayed from returning from Worcester due to traffic.)***

Responding to questions from Chairman Beauregard, Atty. Saunders stated that it his client's intention to open a brew house, and that they would be brewing their own beer on premise for which they've applied for state and federal permitting; and that this transfer is for a full liquor license, in addition to brewing and selling their own beer, this will allow them to sell commercial beer as well as having a fully stocked bar; also adding that it was primarily going to be a restaurant and as indicated in the application, there would be some entertainment but that would be secondary to the dining experience, adding this is not going to a nightclub. Atty. Saunders continued his remarks by stating, we're looking at a high end establishment where we're looking to compliment the "CORKS" of downtown; and our primary hours of operation will probably be 11 a.m. until midnight, depending on how the opening goes, and we'll be providing security as needed but we don't see a need for details; and I will note that I anticipate coming back here in a few months because I anticipate once the spring comes, we'll be amending our license to allow for outdoor seating. Atty. Saunders also stated that he does not anticipate them opening until March but they needed to secure an alcohol license at this time, since one was available. Atty. Saunders speaking on behalf of Mr. LaFrance stated, Mr. LaFrance has over 50 years of experience in this restaurant/hospitality business, and he hold several liquor licenses in the area as well as in New Hampshire; and that all his staff would be T.I.P.S. Certified.

**Voted:** On a motion by Commissioner Craig, the Board, **voted unanimously to approve the petition as presented** and to forward the application to the Alcoholic Beverages Control Commission for their approval.

## **12. Hearing: Panthers Athletic Club and Social Club, Inc.**

**Jeffrey W. Baker, Manager**  
**43-45 Madeira Avenue**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations.

This hearing is being held as a result of your failure to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

You have until **August 22, 2016** to submit an application for a **Change of Officers and Directors** that reflects your current slate of officers.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2016 Liquor License**. Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

**NOTE: An incomplete application was submitted on 08/18/16.**

**Present: Jeffrey W. Baker, Manager**

Mr. Nanopoulos informed the Board that he requested that Mr. Baker has failed to submit a complete an application for a change of officers and directors, as a result of recent changes that were made to their corporation, which is required by the ABCC; which he failed to do since being notified back in July.

Upon discussing the matter with Mr. Baker, Chairman Beauregard instructed Mr. Baker that this needed to be submitted immediately. Commissioner Craig made a motion to table the matter for thirty (30) days to ensure that an application was submitted.

**Board's Written Decision of 09/02/16:**

Following the public hearing that was held on 08/29/16 as a result of your club's failure to submit a proper application to Change the Officers and Directors of your club, **the Board voted unanimously to table any action until its next meeting.** The Board took this action to allow you a sufficient amount of time to *eFile* the appropriate application to reflect any new changes.

Please contact Mr. Nanopoulos immediately to schedule a meeting so that he may assist you in preparing your application. Please be advised that your failure to submit an application in time for the next scheduled meeting (09/26/16) may result in your license being suspended until this matter is resolved.

**Tabled on 07/25/16**

**13. 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 to 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.**

**Written Decision of 07/25/16:**

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, this Board, based on the information you provided in which you stated that you've agreed to sell your license, and that the license would remain at the same location, **voted unanimously to table the matter until this Board's August 29, 2016 meeting.** **An application for Transfer of License must be submitted as soon as possible but no later than Friday, August 26, 2016.**

As discussed, your failure to comply will result in the Board having to revoke your license for non-use as allowed under Ch. 138, sec. 77. *(The licensing authorities may, after hearing or reasonable opportunity there-for, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)*

Your license has been inactive since July 1, 2014 and you have been afforded ample opportunity to take action. **We strongly advise that you apply immediately for a Certificate of Good Standing from the DOR and sign whatever transfer documents that require your signature, to avoid our having to take revocation action.**

**Present: No one was required to appear.**

Mr. Nanopoulos informed the Board that he was contacted by Atty. Peter Lim who informed him that there was a P & S in place, and that he would be submitting an application as soon as it's complete within the next 30-60 days.

**Voted:** On a motion by Commissioner Craig, the Board, **voted unanimously to remove the item from the table with no further action.**

**Tabled on 09/21/15**

**14. 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)**

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.

**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:**

- 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.

**Minutes of 07/25/16 Meeting**

**Present: Licensee did not appear as requested.**

**Voted: Due to the licensee’s failure to appear as requested the Board voted unanimously to table the matter to the Board’s August meeting.**

**Present: Carlos Santos, Owner**

Chairman Beauregard opened the hearing by informing Mr. Santos that he’s been closed for a year and a day, to which Mr. Santos responded that it was true.

Responding to further questions from Chairman Beauregard, Mr. Santos stated that he has someone interested in buying the license, and that he would need an additional 3 or 4 months to complete the process; and that Atty. Mathieu is working with the buyer to finalize the P & S.

Chairman Beauregard responded, that’s a long time to get a purchase and sales agreement done.

Mr. Nanopoulos recommended that the matter be tabled until the October meeting, at which time Mr. Santos must submit a P & S to the Board, with an application for transfer submitted in time for the November meeting; to which the Board agreed was fair and voted unanimously to follow the recommendation to table the matter until the October meeting.

**Board’s Written Decision of 09/02/16:**

Following the public hearing that was held on 08/29/16 to determine the status of your annual liquor license for the year 2016 and to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application, the Board voted unanimously to table any action until its October meeting.

The Board’s decision was based on the information that you provided to the Board, in which you stated that you had someone interested in your license and that you needed additional time to finalize a P & S Agreement; the Board took this action to allow you a sufficient amount of time (60 Days) to secure a P & S, and a sufficient amount of time for the buyer to *eFile* the appropriate transfer application.

Failure to take action on your license prior to this Board’s October 24<sup>th</sup> meeting may result in the non-renewal of your license.



**VOTED:** Commissioner Craig made a motion to take up **Item #'s 15 - 20** at one time; waive reading; and approve the applications as presented – **Unanimous**

**15. APPLICATION, (No Representation Required)**

**Prince Henry Society, Manuel Pereira, Representative** who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '7<sup>th</sup> Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 27, 2016, from 6:00 p.m. until 11:00 p.m.**

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

**16. APPLICATION, (No Representation Required)**

**Centro – Luso American Club, Inc., John Tomasias, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Hawaiian Luau Cookout', to be held in the '**Club Parking Lot**', located at **34 Beetle Street**; and to be held on **Saturday, September 17, 2016, from 1:00 p.m. until 8:00 p.m.**

**17. APPLICATION, (No Representation Required)**

**Downtown New Bedford, Inc., Marianne Conley Hodgson, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '11<sup>th</sup> Annual New Bedford Seaport Chowder Festival', to be held on **Pier 3**; and to be held on **Sunday, September 25, 2016 from 12:00 p.m. until 5:00 p.m.**

*(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)* **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**18. APPLICATION, (No Representation Required)**

**South Coast Business Alliance, Nick Francis, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '10<sup>th</sup> Annual Oktoberfest Fundraiser' to be held within the **New Bedford State Pier Building**, located at **93 State Pier**; and to be held on **Saturday, October 1, 2016 from 3:00 p.m.**

**until 11:45 p.m. (Last call will be at 11 p.m.)** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)*... **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**19. APPLICATION, (No Representation Required)**

**Fort Taber/Fort Rodman Historical Association, Joseph Langlois, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Appreciation Dinner for Volunteers' to be held at the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Friday, October 14, 2016, from 5:00 p.m. until 9:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured)*

**20. APPLICATION, (No Representation Required)**

**Buttonwood Park Zoological Society, Inc., Michelle Gomes, Representative** who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Howl Halloween Party' to be held within the **Buttonwood Park Zoo**; and to be held on **Thursday, October 27, 2016, from 7:00 p.m. until 10:00 p.m.**

*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)*... **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**21. APPLICATION, (Change of Ownership)**

**Eusebio Famania**, who resides at **23 Sycamore Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Famania's Auto Sales & Service**, with premises situated at **699 Brock Avenue**.

**Note:** Site is currently licensed to **Dave A. Rego d/b/a Dave's Auto Sales**, whose license must be surrendered upon approval; site has been previously approved for the display of **Twelve (12) cars** by the **Office of Inspectional Services**. Final approval of the **Motor Vehicle Class II License** will require a '**Certificate of Inspection**' from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

**Present: Eusebio Famania, Applicant along with his wife**

Responding to questions from Chairman Beauregard, Mr. Famania stated that he had no prior experience in running a car lot but he's worked at **Joe's Auto** on **Rivet Street** for the past 4 years where he's gained valuable experience, as well as the other dealerships that he owns; he also stated that he's worked for **Bob's Discount**, where he's been a manager for three years; adding that he came across some money and he thought this would be a good opportunity for himself to open up his own dealership. Responding to further questions from Chairman Beauregard, Mr. Famania stated that he would be doing his own repairs on site, and that he loves cars and that he's been building cars since he was ten; and that he wouldn't be taking in any cars in trade.



Chairman Beauregard warned Mr. Famania, as you heard when the Board told Mr. Furtado earlier, who's located right down the street from you, we don't want to see any junk or dismantled cars on the lot, and we don't want to see any auto body work or painting being done on the premises; to which Mr. Famania responded, you're not going to see that on my lot. Commissioner Craig informed Mr. Famania that the current language in the lease is illegal and not acceptable to the Board with regard to allowing Mr. DeMelo to have access to his license to go to auction; and stated that a new lease with language omitted would have to be submitted to the Board prior to issuance of the license, if the Board was to approve the application tonight. Mr. Famania stated that Mr. Nanopoulos had already brought that to his attention and a new lease was being drawn up.

**VOTED:** Commissioner Craig made a motion to approve the application as presented for the display of twelve (12) cars with the stipulation that a new lease be submitted to the Licensing Board office, which eliminates any language regarding the use of the license by the property owner. – **Unanimous**

## **22. Hearing: Furtado's Auto Sales & Service**

**Mr. Simon Furtado, Licensee**  
**805 Brock Avenue**

Your presence is requested at a hearing due to your failure to maintain your premises in accordance with requirements of a Motor Vehicle Class II license. Based on the findings, the Licensing Board may take action to revoke your license.

The hearing is being held at the request of the Commissioner of Buildings because of your failure to comply with their request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved.

It has also been reported that body work and painting of cars are being performed outside and in the evenings.

Be advised, all licensees must maintain a facility dedicated to carrying out said business and all licensees must adhere to all conditions of the issued license.

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License.** Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

**Present:** *Simon Furtado, Licensee along with his wife Maria Furtado: Danny Romanowicz, Commissioner of Buildings along with James Pappas, Area Inspector*

Following a lengthy discussion with Mr. Furtado along with input from Mr. Romanowicz and Mr. Pappas, Commissioner Craig in addressing the condition of his car lot stated, it's not fair to the neighborhood and it's not fair to the people who are doing it the right way; adding, if it's not cleaned up in thirty (30) days and you come in and say the same thing, your license will be gone. Commissioner Craig made a motion to table the matter for thirty (30) days.

### **Board's Written Decision of 09/02/16:**

Following the public hearing that was held on August 29, 2016 at the request of the Commissioner of Buildings as a result of your failure to comply with his request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved, **the Board voted unanimously to table any action until its September meeting.**

The Board took this action to allow you a sufficient amount of time (30 Days) to come into compliance with those conditions that are required to maintain a facility dedicated to carrying out said business (Used Car Dealer). All licensees must adhere to all conditions of the issued license.

**This Board strongly recommends that you contact and meet with Danny Romanowicz, Commissioner of Buildings, to ensure that you fully understand what is expected of you in order for you to be in full compliance prior to this Board's September 26<sup>th</sup> meeting, at which you must appear at 7:00 p.m. in Room 314.**

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License.** Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

Note: After conferring with Mr. Romanowicz, Mr. Furtado was also instructed to immediately surrender his current license, which is currently issued for forty (40) cars; and that a new license would be re-issued to him for the display of twenty cars (20), as a result of the number of cars having been reduced by Inspectional Services on 09/18/14, which was authorized by James Berube.

## **23. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub**

**Phillip C. Beard, Manager/Owner**  
**672-674 Pleasant Street**

Your presence is requested at a hearing to determine whether you may have violated provisions of ABCC and Licensing Board Rules and Regulations. The Board will also review other complaints filed with this office as it pertains to possible late night disturbances and public safety. Based on their findings, the Licensing Board may take action to modify or suspend your license; and if warranted, a roll back of hours may be considered. They are as follows:

**Violations: Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises, this includes the use or sale of illegal narcotics.

**Note: Indications of illegal narcotics use include persons making frequent trips in and out of the premises, or in or out of the restrooms, persons who receive a large number of phone calls or who are visited at the premises by an unusually large number of people at frequent intervals or persons who appear to be making exchanges of small packages or payment of money – Guide to M.G.L., ABCC.**

**Licensing Board Regulation No. 10, 11, 12, 14, & 19-**

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive hilarity, noise, crowds and objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule. Sales of beverages to be taken off the premises are prohibited, unless the premises are licensed as a package store. Premises must at all times be kept safe; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

**Summary of Incidents and Concerns**

This office has received several Police reports (as referenced below) regarding incidents involving highly intoxicated patrons and disturbances on or about your premises resulting in patrons being assaulted and open container violations; as well as possible incidents of serving after hours and drug activity on or about the premises.

Based on the number of complaints received as listed below, it has become necessary for a hearing to be held to review any possible liquor and safety violations:

**Ref. #16 – 1489 – AR - 05/31/16 @ 12:23 a.m. - Assault on a Law Enforcement Officer**

**Ref. #16 – 7520 – OF - 06/21/16 - Disturbance/Man Assaulted**

**(Follow-Up Investigation & Charges)**

**Ref. #16 – 1781 – AR - 06/22/16 @ 4:10 p.m. - Open Container Violation**

**Ref. #16 – 1897 – AR - 06/30/16 @ 1:29 p.m. - Open Container Violation**

**Ref. #16 – 8021 – OF - 07/01/16 @ 8:52 p.m. - Disturbance/ Patron Related/Stabbing**

**Ref. #16 – 8077 – OF - 07/03/16 @ 2:09 a.m. - Serving to Intoxication/Serving After Hours**

**Ref. #16 – 1982- AR - 07/07/16 @ 10:27 p.m. - Serving to Intoxication**

**Ref. # 16 – 21339- AR - 07/20/16 @ 9:43 p.m. –Possible Drug Activity on Premises**

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

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

**Present: No one was required to appear.**

Mr. Nanopoulos informed the Board that Atty. (John) Walsh asked for the matter to be tabled until the September meeting due the fact that he was unable received the relevant Police Reports in order to review them prior to the meeting.

**Voted: On a motion by Commissioner Craig, the Board voted unanimously to table items 23 & 24; until the Boards September meeting.**

**24. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub**

**Phillip C. Beard, Manager/Owner**

**672-674 Pleasant Street**

Your presence is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents reported by the N.B. Police Department.

This roll back (decrease) of hours could affect the hours in which you will be allowed to be open. The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the Superior Court. (As noted in Chapter 138, sec. 12 - )

- **CORRESPONDENCE**

**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)

**DECISION:** The Commission suspends the license for a period of five (5) days of which two (2) days will be served, and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines. **Suspension to be served on 10/05/16 & 10/06/16**

**ACTION TAKEN:** Received & Placed on File.

- **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. United Fisherman Club	#16 – 9108 – OF	07/24/16	Fight/Underage Persons (Approximate Time of Violation 1:36 a.m.)
2. Tony's Bar & Grill	#16 – 2495 – AR	08/20/16	Disturbance/Fight Inside of Bar (Approximate Time of Violation 12:46 a.m.)
	#16 – 2495 – AR	08/20/16	Disturbance/Fight Inside of Bar (Approximate Time of Violation 12:46 a.m.)

**ACTION TAKEN:** To Be Reviewed At Next Meeting.

**ACTION TAKEN:** To Be Reviewed At Next Meeting.

- **NEXT TWO MEETING DATES:** September 26<sup>th</sup> & October 24<sup>th</sup> both on Mondays in Room 314 - **CONFIRMED**
- **MEETING ADJOURNED:** 7:55 p.m.

**PRESENT:** 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.  
 Capt. Derek Belong, Station #1  
 Nick Nanopoulos, Director

*City Council*

### **APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

#### **Altering of Premises - 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'**.

**Approved By ABCC – 08/30/16**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

#### **Change Of Officers, Directors, Stockholders, d/b/a, Transfer of Stock, & Pledge of License - 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.**

**Approved By ABCC – 09/01/16**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

#### **Transfer - - 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'**.

**Approved By ABCC – 08/30/16**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

### **DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

#### **Transfer of License - Trans. # 169 – Plot # 36--140**

**Lobo's Lounge, Inc. d/b/a Washington Square Package Store, Jose A. Lobo, President**, who is petitioning to **transfer a Retail Package Goods Store All Alcoholic Beverages License to Expo's Liquors, Inc. d/b/a Expo's Liquors**.

Upon approval, **Kyle Duarte** will be the President, Treasurer, Secretary, Sole Director, Sole-Shareholder, and **Manager**. Premises will remain the same at **281 County Street**.

**Disapproved By ABCC 08/26/16 - Failure to Comply With Mass Tax Laws (DUA) – 1<sup>st</sup> Attempt**

**VOTED:** To accept the application back from the ABCC, and to re-submit the application to the ABCC “for reconsideration”, only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

**1. PETITION - Trans. #110 – Plot # 19--48**

**Howland Mills Restaurant, Inc. d/b/a The Sky Room, John E. Williams, President**, currently licensed for premises located at **651 Orchard Street**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Vault, LLC d/b/a Greasy Luck Brewery**, who is also requesting a **Change of Location to 791-797 Purchase Street**. Upon approval, **Alfred C. Peters, Christian A. Farland, and Mark A. Martinho** will all be Co-Members, Co-Managers, and Co-Interest Holders (33.3%) of the LLC. **Mark A. Martinho** is the **Proposed Manager of the Liquor License**.

The new proposed licensed premises consists of an area approximately 9,200 sq. ft. on the first floor of a two - story building, which will have one room that will include a brewery room, bar area, tables for dining, and two (2) handicap accessible restrooms; there will also be a second room that will be subdivided by a portable petitioned wall that will serve as a dual function room and arcade/lounge area, which will include a second bar area, tables for dining, a performance stage, two (2) private dining rooms (vaults), arcade lounge area, two (2) rooms for storage, and two (2) handicap accessible restrooms. The first floor area will also include a full service kitchen. There will also be an area for the storage of alcohol in the basement. The licensed premises will have two (2) entrances/exits in the front of the building onto Purchase Street, and an emergency exit located on the southwest corner of the building. The premises is situated on the west side of Purchase Street, between Union and William Streets, and will be **numbered 791-797 Purchase Street**.

Final approval will require a **‘Certificate of Inspection** from the Building Department, a **‘Food Permit’** from the Health Department, and a signed **‘Fire & Building Certificate’** as required under the Chapter 304 Fire Acts Compliance; along with a copy of **‘Proof of Liquor Liability’**.

*Application has been advertised; Abutters have been notified.*

**Present:** *Mark Martinho, Proposed Manager/Co-Owner along with Al Peters and Christian Farland, Co-Owners; the following spoke in favor: Olivia Farland & Kathy Dehner; Farther Allen Wharton spoke not in opposition but had questions with regard to future plans.*

Responding to questions from Chairman Beauregard, Mr. Martinho stated that the plan is to open a micro-brewery with four brewing tanks, which will be visible from the Purchase Street side ... there will be a 70 seat area in which pub style food will be served, and that area on the right side will be our every day operation area ... and on the left side, that’s where our entertainment/function area will be located ... which will have seating for an additional 60 patrons on the busier nights ... and that space will also serve as a music/event space for a cocktail party or those kind of things.

When asked by Chairman Beauregard if there would be any entertainment planned regularly on the pub side of the establishment, Mr. Martinho stated they may have some acoustic or low key type of entertainment on Wednesday and Thursday nights ... maybe some electric on the pub side as well ... maybe two or three people.

When asked by Chairman Beauregard as to what type of entertainment they were planning to have on the entertainment/function area side of the establishment, Mr. Farland stated that there was a stage on that side ... and that they would be offering both acoustic and electric style entertainment ... adding that the stage was 12’ x 16’ ... and that was large enough to accommodate 6 to 8 musicians max I would say ... adding that the back wall where the entertainment will be ... abuts the Market Street Alley, which is a public way ... not the Chapel ... also adding that they have already done sound tests in that area ... and it meets the zoning requirements as far as sound that vibrates outside the building ... you hear almost nothing ... and due to the fact that it was previously a bank ... so in the way it was made ... the sound does not carry well ... and we tested it at a very high level. With no further questions from the Board, Chairman Beauregard then opened up the hearing for public input by asking if there was anyone present to speak in favor of the petition to which several people indicated that they wanted to be recognized.

First to be recognized was Olivia Farland, who stated that she thought it was a great addition to the City of New Bedford, and she thought it would cater to an older crowd with live music, as well as a place to meet friends.

Next to be recognized was former City Councilor Kathy Dehner, who stated that she thought it was a great idea because a lot of focus has began to the lower National Historic Park Area, and that this would connect a restaurant that will be outstanding to the rest of the downtown area, and create a loop that will help bring attention to the other businesses in the upper area.

Chairman Beauregard then asked if there was anybody else who wished to speak in favor or be recorded in favor, upon hearing and seeing none; Chairman Beauregard then asked if there was anyone present who wished to speak or be recorded in opposition, there was one response. Chairman Beauregard then recognized Father Allen Wharton (Our Lady’s Chapel) who stated that he was not here to speak in opposition to what’s being proposed.

Father Wharton stated that his concern was with regard to some future plans that were mentioned in a newspaper article, which stated that they planned to expand up to the roof top area, which would be used for outdoor seating with a bar. Father Wharton stated that the chapel is the residence for those that are part of the Order that operates and maintains the chapel, and that he has some concerns that's going to interfere with our lifestyle and our mission and objective with being downtown.

Chairman Beauregard informed Father Wharton that the area is not on the plans that are being considered tonight, therefore, the Board could not address those concerns here tonight; but if they were going to move in that direction in the future, they would have to submit plans and that they would have to notify the chapel once again of the meeting; at which point, the Board would consider your concerns.

Mr. Farland also responded to Father Wharton's concerns by stating, for the record ... for tonight ... we're only looking for approval for the first floor area ... but certainly we have talked about potentially next summer ... opening up a rooftop deck ... but that's something we'll certainly discuss with Father Wharton at the appropriate time with some possible limitations.

Atty. Markey also reconfirmed what was stated but Chairman Beauregard with regard to them being notified of any changes or expansion beyond what's being approved here tonight; he may want to do some other things but they cannot do anything without those changes being advertised and you being notified, as well as receiving approval from this Board and the ABCC. Father Wharton concluded his remarks by stating that he understands the process that was explained, and added, that as far as tonight's proposal is concerned, he has no opposition as long as the noise does not become an issue.

In light of the questions, even though they clearly stated that they had no opposition to the Greasy Luck Brewery, raised by the folks associated with Our Lady's Chapel, the Board's decision on the Greasy Luck Brewery license clearly incorporates a finding that "after a hearing that the premises is not detrimental to the spiritual activities of said church."

Chairman Beauregard once again asked if there was anyone present who wished to speak or be recorded in opposition, upon hearing and seeing none, he closed the hearing and called for a vote.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to approve the petition as presented**, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Espejo submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove item #7 from the table; and to take up the matter at this time.**

#### ***Tabled at 08/29/16 Meeting***

#### **2. PETITION - Trans. #232 - Plot # 78--101**

**E Z Convenience & Gas, LLC d/b/a Mutual Mart, Hitesh Patel, Manager of LLC**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Hitesh Patel will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC. **Hitesh Patel** will also be the **Manager of the Liquor License**.

The proposed licensed premises is a convenience store located on the first-floor of a one-story building in an area approximately 2,200 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes two rooms for the storage of alcohol. There is one (1) entrance/exit in the front of the building, as well as one additional entrance/exit located on the south side of the building leading into the storage rooms, which will be used for deliveries only.

The premise is situated on the east side of Purchase Street, between Austin and Linden Streets, and will be numbered **1800 Purchase Street**.

Final approval will require a 'Certificate of Inspection' from the Building Department.

***Application has been advertised; Abutters have been notified***

***Present: Atty. Joseph P. Fingliss along with Hitesh Patel, Applicant.***

Responding to questions from Chairman Beauregard, Atty. Fingliss stated the following on behalf of his client: my client is the current owner of Dartmouth Wine & Spirits right near UMass Dartmouth, where he's been in business for five years ... he runs a very good business ... he's had no violations ... no incidences ... which is important since he's located next to UMass Dartmouth ... his policy is more restrictive than what the state requires ... his policy is that he only accepts in-state licenses, which can be scanned on his machine and those licenses cannot fool the machine such as can be done with out of state licenses ... and that policy will also be implemented at this location, if approved.

Atty. Fingliss continued his comments by stating, he's looking to apply for a wine and malt license ... in an area that is heavily populated but does not have an abundance of liquor licenses in the area ... there is one all alcohol retail package store location in the immediate area ... but it's currently closed and out of business ... if you go north on Purchase Street ... the closest one is Costa's Gas on Sawyer Street ... which is .6 miles away ... so there's a lack of licenses in the area to satisfy the needs of the public in that area ... I'm aware of the Board's concerns with regard to having a congestion of licenses in a certain area ...

But I think the public need is currently not being met in that area.

Chairman Beauregard informed Atty. Fingliss that there's still an alcoholic retail package store license assigned to 1926 Purchase Street, although it is currently closed; to which Atty. Fingliss responded, but at the present time it's not operational, and we're looking for a wine and malt only license to help supplement his current business, and we respectfully request that you approve his wine and malt license.

**VOTED:** On a motion by Commissioner Almeida the Board *voted in the majority* (Chairman Beauregard voted nay) to approve the application and to forward the application to the Alcoholic Beverages Control Commission for their approval with the following stipulations:

That the licensee completes an Alcohol 'Server Certification' course **within Thirty (30) Days after final approval is received or prior**; and proof of his certification be provided to this office; and that all his employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

**3. PETITION - Trans. #093 - Plot # 106—185 (No Representation Required)**

**Panthers Athletic and Social Club, Inc., Joseph Oliveira, 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, Joseph Oliveira will remain as the President and a Co-Director, Jeffrey Baker will be the Vice-President and a Co-Director, Louis Leblanc will remain as the Treasurer and a Co-Director, Karen Kimball will be the Secretary and a Co-Director, and Russell Baker will remain as a Co-Director; and Tracy Pina, Alberto Andrade, and Jason Pina will all be Co-Directors. Jeffrey W. Baker will remain as the Manager. Premises will remain the same at **43-45 Madeira Avenue**.

**(No Advertisement nor Abutters Notification Required)**

**Present:** *No one was required to attend.*

**Voted:** Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**4. Hearing: Jalice Café, Inc.**

**Mr. Derick Pina Goncalves, Owner/Manager**

**1468 Acushnet Avenue**

Your presence is required at a hearing to determine whether you have violated certain provisions of City of New Bedford Ordinance Sec.10 – 45.

The City of New Bedford Treasurer/Collector of Taxes has requested that the Licensing Board hold a hearing regarding your Common Victualler (Restaurant) All Alcoholic Beverages Liquor license due to non-payment of personal property taxes.

Your current **tax title balance of \$21,370.85** has not been addressed since your last payment on November 30, 2015. Additionally, you have an outstanding **tax bill in the amount of \$9,548.07 for FY16 & FY17**, for which a payment has not been made since December 29, 2015; there is also an **outstanding amount of \$1,325.08 on your water bill**. Based on these findings, the Licensing Board could possibly take action to modify, suspend, revoke, or cancel your license.

Failure to appear at this hearing will result in the automatic suspension of your license until this matter is resolved or an immediate revocation of your license as so determined by this Board.

I would strongly suggest that you contact Blair Bailey, Tax Title Attorney for the City of New Bedford, to meet with him to resolve this issue of delinquent taxes.

**Present:** *Mr. Goncalves was excused from attending.*

Mr. Nanopoulos informed the Board that Mr. Pina had come in and made a payment of \$10,000.00, and that Atty. Bailey has requested that the matter be tabled to the Board's December meeting, to ensure that the licensee continues to make his payments prior to issuing his liquor license for 2017.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to table item 4; until the Board's December meeting.**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove the item 5 from the table; and to take up the matter at this time.**

Tabled on 07/25/16

**5. Hearing: Portugal Verde Soccer Academy, Inc.**

**Mr. Isaias M. Furtado, Manager**

**424 Nash Road**

**Approved on 12/09/15 – Never Opened**

**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.

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.

**07/25/16 Decision**

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board’s September meeting.**

The Board’s decision was made to allow you two more months to resolve all your outstanding issues in order for you to be issued your Certificate of Inspection and your 304 Certificate, which are required by law in order for you to receive your liquor license. It is imperative that you contact both the Building Department and Fire Prevention to see exactly what you need to do to be in full compliance.

Failure to comply with this Board’s Decision may result in a hearing on the revocation of your license.

**Present: Isaias Furtado, Owner; Danny Romanowicz, Commissioner of Buildings along with James Berube, Area Inspector**

Upon discussing the matter at length with Mr. Furtado with input from Mr. Romanowicz and Mr. Berube, **the Board voted unanimously to once again table the matter to the Board’s October meeting.**

**Board’s Written Decision of 10/03/16**

As a result of the open hearing held on September 26, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board’s October meeting.**

The Board’s decision was made to allow you one (1) more month to resolve all your outstanding issues in order for you to be issued your Certificate of Inspection and your 304 Certificate, which are required by law in order for you to receive your liquor license. It is imperative that you remain in contact with both the Building Department and Fire Prevention to see exactly what you need to do to be in full compliance.

Failure to comply with this Board’s Decision may result in a hearing on the revocation of your license.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove the item 6 from the table; and to take up the matter at this time.**

Tabled on 07/25/16

**6. Hearing: Nabih Moujabber d/b/a Lebanese Kitchen**

**Mr. Nabih Moujabber, Licensee**

**1487-1489 Purchase Street**

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

**Prior Renewal Hearings: (7)**

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.

#### **Decision of 07/25/16 Meeting**

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, this Board, based on the information you provided, **voted unanimously to table the matter until this Board's September 26, 2016 meeting, at which you must appear.**

Based on the current condition of the building on Purchase Street as well as the still unresolved issues that are pending to complete the renovations at that location, it was the opinion of the Board that the building appears to be a long way from being ready to open; therefore, it was the Board's suggestion that you make every attempt possible to sell your beer and wine license; and if in fact, in six months or a year from now you get that building up and running, there will always be licenses out there available for you to pick up.

Therefore you must take action with your license by either:

- Opening and operating at the existing location as stated on your license;
- Submitted 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.

As discussed, your failure to comply will result in the Board having to revoke your license for non-use as allowed under Ch. 138, sec. 77. (*The licensing authorities may, after hearing or reasonable opportunity there-for, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.*)

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.

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.

**Present: Mr. Moujabber did not appear as requested**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to table item 6; until the Board's October meeting.**

#### **7. Hearing: Dublin's Sports Bar N Grille, LLC d/b/a Dublin's Sports Bar N Grille**

**Mr. Mario Gomes, Owner/Manager**

**1686 Acushnet Avenue**

#### **Re: Licensing Board Regulation # 20 – Closed Premises**

It has come to the attention of this office that you have closed your business located at **1686 Acushnet Avenue**; therefore, 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.

#### **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.**

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.

***You are also required to deliver your liquor license to this office within Five (5) days from the date of receipt of this notice, where it will be held until this matter is resolved.***

**Present: Mario Gomes, Owner**

Upon discussing the matter at length with Mr. Gomes, and taking into consideration the information that the licensee provided to the Board, the Board **voted unanimously to table any action regarding this matter until the Board's November meeting.**

**Board's Written Decision of 10/03/16**

As a result of the information that you provided to the Board, this Board voted unanimously to table any action regarding this matter until the Board's November meeting.

You provided the following hours of operation to the Board, which the Board expects you to comply with as a condition of the Board's decision:

Monday – Closed	Friday – 1 p.m. until 12 a.m.
Tuesday – Closed	Saturday – 1 p.m. until 12 a.m.
Wednesday – 1 p.m. until 7 p.m.	Sunday – 1 p.m. until 9 p.m.
Thursday – 1 p.m. until 12 a.m.	

Please be advised that this notice has been forwarded to Station # 3, and that patrols have been asked to monitor your establishment to ensure that you are complying with the hours of operation that you submitted to this Board.

Furthermore, please be advised that you will be required to appear before this Board on November 21, 2016, to once again discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal.

**VOTED:** Commissioner Craig made a motion to take up **Item #'s 8 - 14** at one time; waive reading; and approve the applications as presented – **Unanimous**

**8. APPLICATION, (No Representation Required)**

**Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Play on Purchase Street' event to be held **within an enclosed area on Purchase Street contiguous to the Pour Farm Tavern, located at 780 Purchase Street;** and to be held on **Thursday, September 15, 2016, from 6:00 p.m. until 8:00 p.m.**

**\*\*Event set up was approved at 08/29/16 meeting.\*\***

***(Final approval will require Liquor Liability and a copy of the Police Detail Contract)***

**9. APPLICATION, (No Representation Required)**

**New Bedford Art Museum, Jennifer Almeida, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Opening Exhibit' event to be held at the **New Bedford Art Museum, located at 608 Pleasant Street;** and to be held on **Friday, October 7, 2016, from 6:00 p.m. until 8:00 p.m.**

**10. APPLICATION, (No Representation Required)**

**Carl Lee Pacheco Memorial Trust Fund, Jeffrey Coutinho, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion, located on Madeira Avenue;** and to be held on **Saturday, October 8, 2016 from 5:00 p.m. until 11:00 p.m. **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\*****

**11. APPLICATION, (No Representation Required) – "LATE FILE"**

**Group Folkloric Madeirense, Michael Canastra, Representative** who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion, located on Madeira Avenue;** and to be held on **Saturday, October 15, 2016 from 6:00 p.m. until 11:45 p.m. **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\*****

**12. APPLICATION, (No Representation Required)**

**New Bedford Economic Development Council (NBEDC), Derek J. Santos, Director**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Annual Meeting' to be held at the **Buttonwood Park Zoo – Classrooms 1 & 2, and to be held on Tuesday, October 25, 2016, from 4:30 p.m. until 6:30 p.m.**

**13. APPLICATION, (No Representation Required)**

**Spinner Publications, Inc., Susan Grace, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a '35<sup>th</sup> Anniversary Fundraiser' to be held at the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Saturday, November 5, 2016, from 4:00 p.m. until 8:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured.)**

**14. APPLICATION, (No Representation Required)**

**New Bedford Art Museum, Jennifer Almeida, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Holiday Party' event to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, December 2, 2016, from 5:00 p.m. until 9:00 p.m.**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to take item 18 out of order; and to take up the matter at this time.**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove the item 15 from the table; and to take up the matter at this time.**

*Tabled at 08/29/16 Meeting*

**15. Hearing: Furtado's Auto Sales & Service**

**Mr. Simon Furtado, Licensee**  
**805 Brock Avenue**

Your presence is requested at a hearing due to your failure to maintain your premises in accordance with requirements of a Motor Vehicle Class II license. Based on the findings, the Licensing Board may take action to revoke your license. The hearing is being held at the request of the Commissioner of Buildings because of your failure to comply with their request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved.

It has also been reported that body work and painting of cars are being performed outside and in the evenings.

Be advised, all licensees must maintain a facility dedicated to carrying out said business and all licensees must adhere to all conditions of the issued license.

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License**. Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

***Present: Simon Furtado, Licensee along with Maria Furtado (Spouse); along with Danny Romanowicz, Commissioner of Buildings along with James Pappas, Area Inspector.***

Upon discussing the matter at length with Mr. Furtado the Board **voted unanimously to once again table any action until its November meeting.**

**Board's Written Decision of 10/03/16**

Following the public hearing that was held on September 26, 2016 at the request of the Commissioner of Buildings as a result of your failure to comply with his request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved, **the Board voted unanimously to once again table any action until its November meeting.**

The Board took this action to allow you an additional amount of time (45 Days) to come into compliance with those conditions that are required to maintain a facility dedicated to carrying out said business (Used Car Dealer). All licensees must adhere to all conditions of the issued license.

**This Board strongly recommends that you contact and meet with Danny Romanowicz, Commissioner of Buildings, to ensure that you fully understand what is expected of you in order for you to be in full compliance prior to this Board's November 21<sup>th</sup> meeting, at which you must appear at 7:00 p.m. in Room 314.**

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License**. Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove the items 16 & 17 from the table; and to take up the matter at this time.**

*Tabled at 08/29/16 Meeting*

**16. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub**

**Phillip C. Beard, Manager/Owner**

**672-674 Pleasant Street**

Your presence is requested at a hearing to determine whether you may have violated provisions of ABCC and Licensing Board Rules and Regulations. The Board will also review other complaints filed with this office as it pertains to possible late night disturbances and public safety. Based on their findings, the Licensing Board may take action to modify or suspend your license; and if warranted, a roll back of hours may be considered. They are as follows:

**Violations: Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises, this includes the use or sale of illegal narcotics.

**Note: Indications of illegal narcotics use include persons making frequent trips in and out of the premises, or in or out of the restrooms, persons who receive a large number of phone calls or who are visited at the premises by an unusually large number of people at frequent intervals or persons who appear to be making exchanges of small packages or payment of money – Guide to M.G.L., ABCC.**

**Licensing Board Regulation No. 10, 11, 12, 14, & 19-**

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive hilarity, noise, crowds and objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule. Sales of beverages to be taken off the premises are prohibited, unless the premises are licensed as a package store. Premises must at all times be kept safe; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

**Summary of Incidents and Concerns**

This office has received several Police reports (as referenced below) regarding incidents involving highly intoxicated patrons and disturbances on or about your premises resulting in patrons being assaulted and open container violations; as well as possible incidents of serving after hours and drug activity on or about the premises.

Based on the number of complaints received as listed below, it has become necessary for a hearing to be held to review any possible liquor and safety violations:

**Ref. #16 – 1489 – AR - 05/31/16 @ 12:23 a.m. - Assault on a Law Enforcement Officer**

**Ref. #16 – 7520 – OF - 06/21/16 - Disturbance/Man Assaulted**

**(Follow-Up Investigation & Charges)**

**Ref. #16 – 1781 – AR - 06/22/16 @ 4:10 p.m. - Open Container Violation**

**Ref. #16 – 1897 – AR - 06/30/16 @ 1:29 p.m. - Open Container Violation**

**Ref. #16 – 8021 – OF - 07/01/16 @ 8:52 p.m. - Disturbance/ Patron Related/Stabbing**

**Ref. #16 – 8077 – OF - 07/03/16 @ 2:09 a.m. - Serving to Intoxication/Serving After Hours**

**Ref. #16 – 1982- AR - 07/07/16 @ 10:27 p.m. - Serving to Intoxication**

**Ref. # 16 – 21339- AR - 07/20/16 @ 9:43 p.m. –Possible Drug Activity on Premises**

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

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

**Present: Atty. John Walsh along with Phillip Beard, Owner/Manager; Capt. Alan Belong along with Capt. Steven Vicente, Liaison to the Licensing Board.**

Prior to the start of the hearing, Chairman Beauregard stated that he was recuse himself from participating in the hearing as he has done in the past, as a result of his association with Mr. Beard in his other position as Director of the Housing Authority.

Upon discussing the issues at length with Mr. Beard on complaints reported to this Board by the N.B. Police Department, **the Board voted unanimously to receive the complaints and place them on file.**

### **Board's Written Decision of 10/17/16**

Per your recent hearing regarding possible violations of ABCC and New Bedford Licensing Board Rules & Regulations on complaints reported to this Board by the N.B. Police Department; as well as those concerns expressed by Capt. Belong on behalf of the city, this Board, upon listening to testimony from those present to testify on behalf of the licensee, as well as considering the information provided by Capt. Belong regarding his observations, as well as his review of his Officer's Police Reports and of the Police Call Log, found no evidence of any liquor license violations at this time; and therefore, **the Board voted unanimously to receive the complaints and place them on file.**

Prior to making his motion, Commissioner Craig stated the following:

Maybe we can use this whole hearing as an educational moment... and now that you know that Capt. Belong wants to work with you ... and it's obvious to me that through your attorney ... that you want to work with the Police Department... all of these incidents ... there could be a suspicion ... but there's nothing to indicate that anything took place inside ... could something have happened ... and could a trained Police Officer think so in a certain way ... yes ... but is there any evidence that anything happened inside ... even the issue of intoxication ... you have a guy coming out ... but you don't know when he went in ... you don't know what his condition was when he went in ... so I think in the future ... listen to his suggestions (Capt. Belong) ... I've personally observed people in that general one block area ... it's just not there ... but that happens to be the gathering spot ... the only thing I can suggest is that you try to keep aware of the fact that you don't want any drug dealers ... if you're not there ... you need to make your manager aware of the fact that you don't want anybody doing anything they shouldn't be doing ... and if you or your manager suspect someone is doing something they shouldn't be doing ... then you need to contact Capt. Belong immediately ... so I would suggest that you give him a call so you can work with each other ... I think everybody wants this to work.

Although the Board took no action regarding these complaints, the Board would like to take this opportunity to advise you of the following ABCC and New Bedford Licensing Board Regulations:

#### **Violations: Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premise, this includes the use or sale of illegal narcotics.

**Note: Indications of illegal narcotics use include persons making frequent trips in and out of the premises, or in or out of the restrooms, persons who receive a large number of phone calls or who are visited at the premises by an unusually large number of people at frequent intervals or persons who appear to be making exchanges of small packages or payment of money – Guide to M.G.L., ABCC.**

#### **Licensing Board Regulation No. 10, 11, 12, 14, & 19-**

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive hilarity, noise, crowds and objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule. Sales of beverages to be taken off the premises are prohibited, unless the premises are licensed as a package store. Premises must at all times be kept safe; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

Please be forewarned, any further complaints regarding any issues that were discussed at this hearing, will result in yet another hearing before this Board, which may result in the suspension or in the reduction of hours of your license, until such a time as these matters are addressed in a manner acceptable to the Board.

### **Tabled at 08/29/16 Meeting**

#### **17. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub**

**Phillip C. Beard, Manager/Owner**

**672-674 Pleasant Street**

Your presence is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents reported by the New Bedford Police Department. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the Superior Court. (As noted in Chapter 138, sec. 12 - )

**Action Taken: NONE**

**18. Hearing: Clube Ponta Delgada, Inc. – "LATE FILE"****Mr. Eric Stephens, President**  
**61-65 Madeira Avenue**

Your presence is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws and Licensing Board Rules and Regulations; as well as your failure to contact this office as a result of several messages left with the club bartender. Failure to comply with this notice may result in the Licensing Board taking action to suspend your license until this matter is resolved.

**MGL Chapter 138, sections 12, 23-**

An application must be filed to obtain approval from the local licensing authorities and the ABCC for a change of officers, directors, and manager.

**Licensing Board Regulations No. 6-**

Each corporate licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing.

**Present: Eric Stephens, President, Alan Mello, Vice-President, and Kristen Fiano, Treasurer**

Mr. Nanopoulos informed the Board that an application had been submitted with incorrect information, and that the request for them to appear was to ensure that they complied in a timely manner in providing the corrected information; and that this matter has been pending for at least two months, during which time the club has failed to respond to requests to contact the office to address these issues.

Mr. Nanopoulos also stated that once the current application is approved, the club must submit an application for a change of manager, since Mr. Gibau has been removed as the proposed manager as stated on the application.

**Action Taken:** Upon discussing the matter with those present, the Board took no action but did instruct those present that they needed to follow up with Mr. Nanopoulos; along with a warning that if they did not comply in a timely manner, they would be called before the Board once again, at which time their license could be suspended until this matter is resolved.

- **CORRESPONDENCE**

**From: Kim S. Gainsboro, ABCC Chairman****Dated -09/15/16 Received -09/23/16****Re: Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol Club****736 Ashley Boulevard**

**Re-Scheduled Hearing Date:** Wednesday, September 14, 2016 @ 9:30 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)**

**DECISION:** Based on the evidence the Commission finds the Licensee violated M.G.L. C. 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. As the licensee has been in business for more than 75 years and has had no previous violations, the commission issues a **WARNING.**

**ACTION TAKEN:** Received & Placed on File.**From: Atty. Elizabeth A. Lonardo, TD Bank, N.A.****Dated -08/31/16 Received -09/07/16****Re: Vallas Enterprises, Inc. d/b/a Premium Liquors****1926 Purchase Street****Motion For Extension Of Service Date****Filed In Trial Court of MA. Superior Court Dept. Bristol County**

**Plaintiff TD Bank, N.A. ("the Bank") through counsel, hereby moves that the Court enter an order extending the 90 day deadline of August 24, 2016 to serve the Defendant Vallas Enterprises, Inc. to October 7, 2016.**

**ACTION TAKEN:** Received & Placed on File.

- **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. United Fisherman Club	#16 – 9108 – OF	07/24/16	Fight/Underage Persons (Approximate Time of Violation 1:36 a.m.)
2. Tony's Bar & Grill	#16 – 2495 – AR	08/20/16	Disturbance/Fight Inside of Bar (Approximate Time of Violation 12:46 a.m.)
	#16 – 2497 – AR	08/20/16	Disturbance/Fight Inside of Bar (Approximate Time of Violation 12:46 a.m.)

***\*\*No Action at 08/29/16 Meeting\*\* - To Be Further Reviewed***

**Decision:** Bring for a Hearing on 10/24/16

3. Tony's Bar & Grill	#16 – 2749 – AR	09/10/16	Serving To Intoxication (Approximate Time of Violation 1:19 a.m.)
4. Tony's Bar & Grill	#16 – 2848 – AR	09/18/16	Serving To Intoxications/ Allowing Patrons to Leave W/Alcohol (Approximate Time of Violation 1:46 a.m.)
5. Tony's Bar & Grill	#16 – 2849 – AR	09/18/16	Serving To Intoxications/

**Decision:** Bring for a Hearing on 10/24/16

6. Slainte	#16 – 11794 - OF	09/16/16	Disturbance/Patron Assaulted Intoxicated Patrons/Failure to Check I. D.'s On Day of Service (Approximate Time of Violation 12:55 a.m.)
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**Decision:** Receive & Place On File with a Warning Letter

- **NEXT TWO MEETING DATES:** October 24<sup>th</sup> & November 21<sup>st</sup> both on Mondays in Room 314 - **Confirmed**
- **MEETING ADJOURNED:** 8:35 p.m.