

**PRESENT:** Steven A. Beauregard, Chairman  
 Marcelino "Sonny" G. Almeida, Commissioner  
 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

City Council

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

**Transfer of Liquor License - Trans. # 00169-PK-07780 – 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**.

Final approval will require a 'Change of Tenant' from the Building Department.

**Approved By ABCC – 10/04/16**

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

**Transfer of Liquor License & Change of Location - Trans. # 00104-RS-07780 – 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 leads 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'.

**Approved By ABCC – 10/04/16**

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

**Change of Director - Trans. # 174 – Plot #18--107**

**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**.

**Approved By ABCC – 10/13/16**

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

**Change of Director - Trans. # 167 – Plot # 123--43**

**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**.

**Approved By ABCC – 10/13/16**

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

**Change of Manager - 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.

**Approved By ABCC – 10/13/16**

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

**1. PETITION - Trans. # 00088-RS-0778 – Plot # 132--613**

**Gin & Chen, Inc. d/b/a Jade Garden, Kam Yee Gin, President, 1309 Phillips Road**, who is requesting permission to Alter the Premises and Change the Description of the Common Victualler All Alcoholic Beverages licensed premises to include an additional dining room, approximately 575 sq. ft., which is contiguous to the existing dining area. The **licensed premises will remain numbered 1309 Phillips Road**.

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

*Application has been advertised; Abutters have been notified*

**Present: Kam Yee Gin, Owner/Manager; Councilor Linda M. Morad (Appeared In Support)**

Responding to questions from Chairman Beaugard, Mr. Gin stated that the additional room would be used for dining purposes and small functions only, and that no entertainment would be added.

Councilor Morad spoke in favor of the petition.

**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. # 00036-GP-07778 – Plot # 126--65**

**Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol, James F. Pettijean, President**, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **Pub 6T5, LLC**. Upon approval, Richard F. Trapilo will be a Co-Member, Co-Interest Holder (50%), and the Manager of The LLC; and Margaret Trapilo will also be a Co-Member and Co-Interest Holder (50%) of the LLC. **Richard F. Trapilo is the Proposed Manager of the Liquor License**. The previously approved description will remain the same as follows: Premise includes two rooms and a kitchen on the first floor of a two – story building with stock in the cellar and on the first floor. Premise is situated on the northeast corner of Ashley Boulevard and Park Avenue, and is numbered **736 Ashley Boulevard**.

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 notification not required.*

**Present: Atty. George Leontire along with Richard Trapilo, Co-Owner/ Proposed Manager and Margaret Trapilo, Co-Owner**

Responding to questions from Chairman Beaugard, Atty. Leontire, speaking on behalf of his clients stated that they are working with Atty. Michaud who represents the Pub 6 Social Corp. to address some outstanding debt to try to expedite the transfer.

Atty. Leontire continued by stating that it was their intention to make some upgrades to the premises and to operate it as a sports bar type restaurant serving family type food.

When asked by Chairman Beaugard if they planned on having entertainment, Mr. Trapilo stated that he planned on offering some easy listening type of entertainment from his generation.

When asked by Chairman Beaugard if he had any prior experience in the restaurant business, Mr. Trapilo stated that this would be a new experience for him, but added that he's been in business his entire career in retail and high tech, and that his wife has been in retail her entire life.

In response to Chairman Beaugard's observation that this is a big place to be your first foray into this type of business, Mr. Trapilo stated, it is, sir, but we're ready to put in some big hours ... I will be there full time ... it will be my retirement job. When asked by Chairman Beaugard if he had anyone coming in with him who has any experience to assist him, Mr. Trapilo responded, yes I do, I've met with several people to help run the kitchen and to help run the bar, and I also have some family members who have some experience; he also added that everybody will be T.I.P.S. Certified.

When asked by Chairman Beaugard as to what the time frame would be to come back before the Board with any changes, Atty. Leontire responded, he already has an architect drawing up the plans, so I would say once we have the closing; we would file an application with any changes that would need to be approved by the Board and the ABCC, which I would anticipate would be sometime after the first of the year. Mr. Trapilo stated that they would be looking at a late May or early June opening.

**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 Mr. Trapilo submit a copy of his T.I.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.

### **3. PETITION - Trans. # 00039-RS-0778 - Plot # 19--49**

**DeAbreu & Sons, Inc. d/b/a Fortuna Grill, Manuel DeAbreu Dos Reis, President**, for a license currently issued for use at **288 Union Street**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **New Taipei, Inc. d/b/a Taipei Asian Cuisine**. Upon approval, **Jian Guo Zhang** will be the President, Secretary, a Co-Director, and a Co-Shareholder (40%); and **Hui Fang Lu** will be the Treasurer, a Co-Director, and a Co-Shareholder (60%). **Hui Fang Lu** is the **Proposed Manager of the Liquor License**. The new proposed licensed premises consist of an area, approximately 2,340 sq. ft., located on the first floor of a one-story building, which will include one room that will include a waiting area and sushi bar and an additional room for dining. There is also a kitchen, which includes a Walk-in Cooler and Storage Room for the storage of alcohol; as well as two restrooms. The licensed premises will have one (1) entrance/exit in the front of the building, and two (2) emergency exits located at the rear of the building. The unit is located in a storefront plaza, which is situated on the north side of Rockdale Avenue, between Bolton & Orchard Streets, and will be numbered **37 -Unit # 4 Rockdale Avenue**.

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:** *Atty. Gar Chiang (Sitting in for Atty. Peter Lim) along with Hui Fang Lu, Proposed Manager*

Responding to questions from Chairman Beaugard, Atty. Chiang stated that Ms. Lu currently operates the recently opened (March 2016) restaurant at 37 Rockdale Avenue, and she's looking to add a wine and malt license to compliment their food menu; he also added that Ms. Lu was already T.I.P.S. Certified and that she's had prior experience as a server in Wellesley. Responding to questions from Chairman Beaugard, Atty. Chiang stated that the current operating hours would not be changing and would remain the same as stated on the business plan that was submitted; and that the alcohol would be stored and served from the kitchen area as well as from coolers under the Sushi Bar.

**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. Hui Fang Lu 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. # 232 - Plot # 137--35**

**Tejendra, Inc. d/b/a Dairy Market, Gunvant I. Patel, President**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Gunvant I. Patel** is the President, Treasurer, Secretary, Sole Director, Sole Shareholder 100%, and the **Proposed Manager**. The proposed licensed premises is a convenience store located in a street level building in an area approximately 1,927 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 one room for the storage of alcohol in the rear of the building. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located on the north side of the building. The premise is situated on the west side of Acushnet Avenue, between Leroy Street and Sassaquin Avenue, and will be numbered **4443 Acushnet Avenue**.

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

*Application has been advertised; Abutters have been notified*

**Present: Atty. Stephen Brown along with Gunvant Patel, Owner/Proposed Manager and Tejendra Patel, (Son); Councilor Linda M. Morad (Appeared In Support) along with Anna Dias and Naomi Olga, Neighbors.**

Responding to questions from Chairman Beauregard, Atty. Brown stated that he had prepared some information for the Board, which the Board voted unanimously to receive and place on file; which included a written proposal, a Community Petition, area maps, a site plan and pictures, and business related documents.

Atty. Brown continued his comments by stating that the Dairy Market is a variety store that has been owned and managed by his client for fourteen (14) years since 2002, adding that the store is a family run business that caters to the New Bedford Community that surrounds the store; and that Mr. Patel and his wife are fulltime employees and now that his son has graduated from college, he will be spending more time there as well.

In presenting his case on behalf of his client for approval of a new Retail Package Store Wine & Malt license, Atty. Brown stated that there was no other store at which to buy wine and malt between Dairy Market and the New Bedford/Freetown town line, to the north; and that the Dairy Market is uniquely situated to serve the community surrounding Sassaquin Pond; adding, there is no store at which to buy wine and malt between exit 7 from Rte. 140, heading north onto Acushnet Avenue, therefore, he believes it would serve a "public need".

Atty. Brown continued his comments by stating that in Dairy Market's history as a local family run community business, it has never had any violation of the city permits it holds, including tobacco sales and food safety.

Atty. Brown concluded his remarks by stating that Dairy Market's application should be allowed because it serves a public need and over four hundred (+400) inhabitants have expressed their views that availability of beer and wine at Dairy Market would be appropriate and would serve a public need; and for those forgoing reasons, my client requests that the Licensing Board approve its application for a 'new' Retail Package Store Wine & Malt Only Beverages License. Councilor Morad spoke in favor of the petition, as did Anna Dias and Naomi Olga.

**Voted: On a motion by Commissioner Almeida and on a second by Commissioner Craig, the Board voted 2-1 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. Patel submit a copy of his T.I.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.**

**VOTED: Commissioner Almeida made a motion to take up Item #'s 5 - 9 at one time; waive reading; and approve the applications as presented – Unanimous**

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

**N. B. Chapter of the Prince Henry Society, Joseph J. Castelo, who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for an 'Installation Banquet' event to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Saturday, October 15, 2016, from 5:30 p.m. until 10:30 p.m.**

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

**N. B. Whaling Museum, Inc., Sarah Hilton, Representative, who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for a 'Gallery Opening' event to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Friday, October 21, 2016, from 6:00 p.m. until 8:00 p.m.**

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

**Rotch-Jones-Duff House Garden & Museum, Inc., Kimberly Rioux, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a 'Celebrate the Season Event' event to be held at the Rotch-Jones-Duff House Garden & Museum, located at 396 County Street; and to be held on Thursday, November 10, 2016, from 6:00 p.m. until 10:00 p.m.**

**8. 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 an 'Art Museum Fundraiser' event to be held at the N.B. Art Museum, located at 608 Pleasant Street; and to be held on Friday, November 18, 2016, from 5:30 p.m. until 8:00 p.m.**

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

**N. B. Whaling Museum, Inc., Sarah Hilton, Representative, who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for a 'Formal Dinner' event to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Saturday, November 19, 2016, from 6:00 p.m. until 9:00 p.m.**

**Voted:** On a motion by Commissioner Almeida, the Board voted **unanimously to remove item #10 from the table; and to take up the matter at this time.**

**Tabled At 09/26/16 Meeting**

**10. 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-fore, 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.

**09/26/16 Meeting Minutes**

**Licensee did not appear as requested.**

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

**Present: Nabih Moujabber, Owner along with his wife.**

When asked by Chairman Beaugard as to what he has decided to do with his license, Mr. Moujabber stated that he's still trying to sell the license but he hasn't had any luck, and requested that the Board extend it for one year. Chairman Beaugard responded to the request by stating, we can't give you one year ... we've already given you over two years ... we can give you to January ... which will be 3 more months that will make it two and a half years of being inactive ... I would strongly advise that you make every attempt possible to activate this license to avoid our having to take revocation action; adding, that the additional time was extended as a courtesy because of the fire but it's going on two and a half years.

**VOTED: Commissioner Almeida made a motion to table the matter until the Boards January 2017 meeting. – Unanimous**

**Voted:** On a motion by Commissioner Almeida, the Board voted unanimously to remove item #11 from the table; and to take up the matter at this time.

**Tabled At 08/29/16 Meeting**

**11. 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**

**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.*

Licenses 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.

**08/29/16 Decision**

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.

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

**Present: Atty. Donald Perry along with Carlos A. Santos, Owner**

Responding to questions from Chairman Beauregard, Atty. Perry stated that all terms of a pending P & S have been agreed upon with Atty. Christopher Markey; along with a copy of the lease agreement and pledge agreement, which have been forwarded to Atty. Markey, in order for his client to sign them; adding that the license would be staying at the same location. Atty. Perry stated that he expected all documents to be signed this week by both parties with an application forthcoming, which would be submitted by Atty. Markey.

Atty. Perry also stated that his client was aware that he would have to sign the renewal in November and pay the renewal fee in December.

Mr. Nanopoulos informed the Board that he had reached out to Atty. Markey, and that Atty. Markey would try for November but it would definitely be filed in time for the December meeting.

**VOTED:** Commissioner Almeida made a motion to table the matter until the Boards January 2017 meeting. – **Unanimous** (If an application is filed prior to the January meeting, Mr. Santos would be excused from appearing.)

**Voted:** On a motion by Commissioner Almeida, the Board voted unanimously to remove item #12 from the table; and to take up the matter at this time.

**Tabled At 09/26/16 Meeting**

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

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

**424 Nash Road**

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

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.**

**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 January meeting.**

**Board's Written Decision of 10/27/16**

As a result of the open hearing held on October 24, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's January meeting.**

The Board's decision was made to allow you three (3) 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 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 will result in a hearing on the revocation of your license.**

**13. Hearing: Tony's Café & Bar, Inc.**

**Mr. Antonio M. Raposo, Owner/Manager**  
**118 County Street**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, Licensing Board Rules & Regulations, and City Ordinance, as reported by the City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, or revoke your license. They are as follows:

**ABCC 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.

**Licensing Board Regulations No. 10, 11, 12, 14 & 25-**

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; objectionable persons shall not be permitted on or about the premises, it is the responsibility of the Licensee to enforce this rule; premises must at all times be kept safe...; sales of beverages to be taken off or brought onto the premises is prohibited.

**Summary of Incident #1**

Police Department Incident Report states that officers were dispatched to Tony's Bar & Grill located at 120 County Street as a result of a large crowd that was gathering, as well as a growing potential for violence. Upon entering the premises, officers observed multiple fights, during which an officer was assaulted as he tried to restrain one of the individuals involved in one of the altercations.

**Date and time of alleged violations: Saturday, August 20, 2016 @ approximately 1:30 a.m.**

**Police Report #'s 16 – 2495 – AR & 16 – 2497 – AR**

**Summary of Incident #2**

An intoxicated female was observed leaving Tony's Bar & Grill, and when officers asked her to stop, she verbally assaulted the officers. When speaking to the officers, her words were slurred and there was a strong odor of alcohol emanating from her person. When officers offered a portable breath test on scene, she blew three times, which registered "not enough air".

**Date and time of alleged violations: Saturday, September 10, 2016 @ approximately 1:19 a.m.**

**Police Report #'s 16 – 2749 – AR****Summary of Incident #3**

As officers were parked in front of Tony's Bar & Grill due to recent problems they were having from large amounts of people that exit the bar at closing time, they observed a male stagger out of the bar and almost fall out of the entrance door; he was later placed in protective custody.

Shortly thereafter, a male approached the officers with a Bud Light bottle in his hands and was highly intoxicated and unsteady on his feet; and he needed the officers' assistance to hold him up. The officers could smell a strong odor of alcohol emanating from his breath and observed his eyes to be glossy and blood shot; and he was placed in protective custody as well. The officers then were approached by his roommate who stated that he was drinking all day at Tony's, and that he was concerned that his roommate was served to a level of intoxication.

**Date and time of alleged violations: Sunday, September 18, 2016 @ approximately 1:46 a.m.**

**Police Report #'s 16 – 2848 – AR & 16 – 2849 – AR**

**Present: Atty. Richard Burke along with Antonio Raposo; Lt. Joao Chaves, Liaison to the Licensing Board along with Lt. Paul DaCosta, Reporting Officer**

Upon being asked by Mr. Nanopoulos if his client had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was before the Board based on the summary and the list of alleged violations contained in the 'Notice', Atty. Burke stated that his client did receive the notice and was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Chairman Beauregard informed Atty. Burke and his client Mr. Gomes that the reporting officer was present to read, summarize, or give testimony to what was contained in his report; and at the conclusion of their testimony, the Board would then ask any questions they may have, and then he would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Chairman Beauregard opened the hearing by asking Lt. DaCosta to either summarize or read his reports regarding the incidents that occurred on September 10<sup>th</sup> and September 18<sup>th</sup>, 2016.

Lt. DaCosta proceeded to give his testimony as to what was documented in his Police Reports regarding these incidents, as noted and summarized in the 'Hearing Notice'; including testimony that both incidents involved patrons who were intoxicated, with one of the intoxicated patrons verbally assaulting the officers.

Atty. Burke was afforded ample opportunity to respond to the testimony that was presented by Lt. DaCosta, as well as addressing those concerns presented by the Board.

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of five (5) days with two (2) (11/14/16 & 11/15/16) to be served, with the remaining three (3) days held in abeyance for one (1) year.** Additionally, the establishment was also **placed on probation for one (1) year commencing on 10/25/16.**

**The following written decision in part was issued to the licensee on 11/01/16:**

Per your hearing of October 24, 2016, you were found in violation of ABCC Regulation 204 CMR 2.05 (2), specifically permitting an illegality to occur on the licensed premises. The Board heard testimony regarding patrons who were observed to be extremely intoxicated either in or exiting your establishment. The Board also heard testimony of officers being both verbally and physically accosted from intoxicated patrons. As a result of the testimony presented, the Board voted to suspend your Common Victualler (Restaurant) All Alcoholic Beverages license for a period of five (5) days of which two (2) days must be served. The remaining three (3) days will be held in abeyance during your one year probationary period commencing on October 25, 2016. Your dates for closing are November 14 & 15, 2016.

In determining the penalty, the Board took into consideration the positive comments from the Police Department that things are getting better as well as your cooperation with the Police.

You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of M.G.L. Ch. 138 within five (5) days of receipt of this decision. A copy of said appeal must be submitted to this office as well.

**14. Hearing: Tony's Café & Bar, Inc.**

**Mr. Antonio M. Raposo, Owner/Manager**  
**118 County Street**

Your presence is requested at a 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 an incident reported by the New Bedford Police Department; as well as concerns regarding the day to day management of the premises with regard to public safety.

**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 - )

**Present: Atty. Richard Burke along with Antonio Raposo; Lt. Joao Chaves, Liaison to the Licensing Board along with Lt. Paul DaCosta, Reporting Officer**

**ACTION TAKEN: NONE**

**15. Hearing: United Fisherman's Club, Inc.**

**Mark Custodio, Manager**  
**639 Orchard Street**

Your presence and that of Jessica Shaffer, Function Manager is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, Licensing Board Rules & Regulations, and City Ordinances, as reported by the City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, or revoke your license. They are as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**ABCC 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.

**Licensing Board Regulations No.5, 11, 12, 14 & 25-**

Sale of alcoholic, wine and malt beverages to a person under twenty-one years of age is prohibited; objectionable persons shall not be permitted on or about the premises, it is the responsibility of the Licensee to enforce this rule; premises must at all times be kept safe...; sales of beverages to be taken off or brought onto the premises is prohibited.

**New Bedford Code of Ordinances, Section 15-96-**

Exclusion of minors from liquor establishments during entertainment. No person under the age of twenty-one (21) provided in M.G. L. shall be present or go upon premises licensed for the sale of alcoholic beverages, if the premises are, or should be, licensed for entertainment, while entertainment is being offered thereon.

**Under 21 Events** - No licensee shall hold any event(s) catering to clientele under the age of twenty-one (21).

These events include Sweet 16 parties, graduation parties, prom parties, coming out parties, birthday parties, etc. Any licensed establishment caught hosting one of these events will face severe sanctions by this Board, as noted in our bi-yearly notices that are sent out to all licensees.

**Summary of Incident #1**

Police Department Incident Report states that multiple police units were dispatched to the United Fisherman's Club located at 639 Orchard Street for a panic alarm. Upon arrival, the Officers observed a very large crowd (approx. 100) of people outside of the establishment running in all different directions and vehicles leaving the scene. As the officers approached the establishment, they observed people with bottles of alcohol attempting to walk into the establishment but left when they saw police approaching the entrance. Upon entering the premises, the officers spoke with 2 female bartenders, as well as with the function manager who stated the following:

- That the 'panic alarm' was activated due to a fight in progress inside the premises;
- She also stated, "I did not expect so many people to appear at the establishment";
- She also stated that there were three functions booked there that night; a "Sweet 16" Birthday Party, a 21<sup>st</sup> Birthday Party, and a funeral reception;
- She also stated that they didn't hire 'security' because they did not expect so many people to attend this birthday party.

**Note: Two of the people involved in the altercation were both under the legal age of 21 yrs.**

**Date and time of alleged violations: Sunday, July 24, 2016 @ approximately 1:36 a.m. Police Report #'s 16 - 9108 - OF**

**Present: Mark Custodio, Manager; Lt. Joao Chaves, Liaison to the Licensing Board along with Officer Yesenia Miranda-Santiago, Reporting Officer**

Upon being asked by Mr. Nanopoulos if he had received a copy of the 'Hearing Notice', and if he had read the summary

contained in the notice, and if he understood why he was before the Board based on the summary and the list of alleged violations contained in the 'Notice', Mr. Custodio stated that he did receive the notice and was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Chairman Beauregard informed Mr. Custodio that the reporting officer was present to read, summarize, or give testimony to what was contained in his report; and at the conclusion of their testimony, the Board would then ask any questions they may have, and then he would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Chairman Beauregard opened the hearing by asking Officer Miranda-Santiago to either summarize or read her report regarding the incident that occurred on July 24, 2016.

Officer Miranda -Santiago proceeded to give her testimony as to what was documented in his Police Reports regarding the incident, as noted and summarized in the 'Hearing Notice'; including testimony that two of the people involved in the altercation were under the legal age of 21 years old.

Mr. Custodio was afforded ample opportunity to respond to the testimony that was presented by Lt. DaCosta, as well as addressing those concerns presented by the Board.

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to suspend the Club All Alcoholic Beverages license for a period of five (5) days with all five (5) to be held in abeyance for one (1) year.** Additionally, the establishment was also **placed on probation for one (1) year commencing on 10/25/16.**

**The following written decision in part was issued to the licensee on 11/01/16:**

Per your recent hearing regarding violations of Massachusetts General Laws, Alcoholic Beverages Control Commission Regulation 204 CMR 2.05 (2), and Licensing Board Regulations and City Ordinance 15-96-, this Board voted unanimously to suspend the General on Premise All Alcoholic Beverages license for a period of five (5) days, all of which will be held in abeyance for one (1) year providing no additional violations occur. The Board also voted to place your establishment on probation for one year commencing on October 25, 2016.

The Board had concerns with the type of events being held, the number of events taking place simultaneously without proper supervision, the age of the attendees and the disturbance that took place.

Part of the Board's decision was also the result of your failure to comply with their request for the Club to complete a hall rental agreement as required.

Moving forward, you are hereby required to provide this office with a hall rental agreement (see attached) either by fax or e-mail for any and all events that will be taking place. All agreements are to be completed in full.

You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. within five (5) days of receipt of this notice.

• **CORRESPONDENCE**

**From: Kim S. Gainsboro, ABCC Chairman** **Dated – 10/07/16** **Received – 10/11/16**

**Re: Expedito Duarte d/b/a Expo's II** **309 Dartmouth Street**

**Hearing Date – Wednesday, May 18, 2016 @ 1:30 p.m.;** an appeal hearing will be held on the action of the New Bedford Licensing Board in denying the application for a New Wine & Malt License for the above referenced applicant.

**ABCC DECISION:** Based on the evidence presented at the hearing, the Commission **APPROVES** the action of the Local Board of New Bedford in denying the sec. 15 wines and malt beverage package store license application of Expedito Duarte d/b/a Expo's II.

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

**From: Kim S. Gainsboro, ABCC Chairman** **Dated – 10/19/16** **Received – 10/24/16**

**Re: Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol** **736 Ashley Boulevard**

**Hearing Date – Thursday, October 27, 2016 @ 12:30 p.m.;** Violation of M.G. L. Ch. 10, sec. 33, 961 CMR 2:220 (1) "Mass. State Lottery Violation"

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

**From: Kim S. Gainsboro, ABCC Chairman** **Dated – 10/03/16** **Received – 10/12/16**

**Re: Royal Food Beverage Company, Inc. d/b/a Royal II** **123 MacArthur Drive**

**Hearing Date – Thursday, October 27, 2016 @ 1:00 p.m.;** Violation of M.G. L. Ch. 10, sec. 33, 961 CMR 2:220 (1) "Mass. State Lottery Violation"

**Hearing Canceled:** The MA State Lottery withdrew their request for a hearing that was scheduled for 10/27/16, with no further action to be taken by the ABCC.

**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>
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---NONE---

• **Review Inactive Licenses for November Meeting – “Informational Only”**

1. Bar 908 (Times Square Restaurant, Inc. d/b/a) – CVAA – Renovations – Closed 07/01/15 – Prior Hearings (3)
2. Candleworks Ventures, LLC – CVAA – Transfer W/ ABCC Pending (Carmines) - Approved 04/08/16 - Prior Hearings (0) – January, If needed.
3. Columbus Group ( Columbus Group, LLC d/b/a) – CVAA – ‘Proposed Hotel’ – Approved 12/09/14 – Prior Hearings (4)
4. Euphoria Lounge (Sapatinha Café, Inc. d/b/a) – CVAA – Fire/Renovations – 01/26/15 – Prior Hearings (6)
5. Fortuna Grill (DeAbreu & Sons, Inc. d/b/a) – CV W & M – Transfer Application on 10/24/16 Agenda – Closed 07/01/14 – Prior Hearings (7) – January, If needed.
6. Kirby’s Irish Pub (JAKIBRI, LLC d/b/a ) – CVAA - License/And Or Business For Sale – Closed 09/21/15 – Prior Hearings (3)
7. Lebanese Kitchen (Nabih Moujabber d/b/a) – CV W & M – Fire/Renovations – Closed 07/12/14 – Prior Hearings (7) – Hearing On 10/24/16 Agenda – January, If needed.
8. Moby Dick Brewing Company, Inc. – CVAA – Renovations – Approved 10/04/16 – Prior Hearings (0) – January, If needed.
9. Pier 37 (P37, LLC d/b/a) – CVAA – Closed/In Bankruptcy – Closed 10/02/16 - Prior Hearings (0)
10. Portugal Verde Soccer Academy, Inc. – GOP W & M – Renovations – Approved – 12/09/15 – Prior Hearings (2) – Hearing On 10/24/16 Agenda – January, If needed.
11. Premium Liquors (Vallas Enterprises, Inc. d/b/a) – RPSAA – License& Business For Sale – Closed 02/22/16 – “TD Bank”
12. Pub 6 at the Sixth (Sixth Bristol d/b/a) – GOPAA – Transfer Application on 10/24/16 Agenda - Prior Hearings (1) – January, If needed.
13. Royal II (Albert Santos d/b/a) – GOPAA – License & Business For Sale – Approved 04/05/16 – Prior Hearings (1)
14. The Sky Room (Howland Mills Restaurant, Inc. d/b/a) – CVAA – Transfer Pending W/ABCC – Prior Hearings (1) – January, If needed.
15. Union City (Ramon D. Silva Enterprises d/b/a) – CVAA – License/And Or Business For Sale – Closed 11/16/15 – Prior Hearings (2)
16. Vila Franca Rest. & Café (Vila Franca Do-Campo, Inc. d/b/a) - CVAA – License/And Or Business For Sale – Closed 08/28/15 – Prior Hearings (2) – Hearing On 10/24/16 Agenda – January, If needed.

17. Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a) – CVAA – Renovations – Approved 06/03/14 – Prior Hearings (5)

**Action Taken:** Bring all in for a hearing in November; Except for those that are highlighted.

- **NEXT TWO MEETING DATES:** November 21<sup>st</sup> & December 19<sup>th</sup> both on Mondays in Room 314 –  
**CONFIRMED**
- **MEETING ADJOURNED:** 8:25 p.m.

**PRESENT:** Steven A. Beaugard, Chairman  
 Marcelino "Sonny" G. Almeida, Commissioner  
 Edmund F. Craig, Jr., Commissioner – "Unable To Attend Due To Health Reasons"  
 Lt. Joao Chaves, Police Department Liaison to the Lic. Bd.  
 Nick Nanopoulos, Director

*City Council*

**MOTION TO ACCEPT THE MEETING MINUTES OF July 25, 2016 - Unanimous**

**MOTION TO ACCEPT THE MEETING MINUTES OF August 29, 2016 - Unanimous**

**MOTION TO ACCEPT THE MEETING MINUTES OF September 26, 2016 - Unanimous**

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

**Transfer of License & Change of Location - Trans. # 02829-RS-0778 (Old # 00110-RS-0778) – 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'.

**Approved By ABCC – 11/03/16**

**'New' Retail Package Store Wine & Malt License - Trans. #88893-PK-0778 – 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.

**Approved By ABCC – 11/01/16**

**Change of Officers & Directors - Trans. # 00094-CL-0778 – Plot # 106--85**

**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**.

**Approved By ABCC – 11/04/16**

**Transfer & Pledge of License - Trans. # 019 – Plot # 53—68 – "LATE FILE"**

**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**'.

**Approved By ABCC – 11/15/16**

**VOTED:** To accept all the approvals from the ABCC and place them on file. – **Unanimous**

**1. PETITION - Trans. # 00176-PK-0778 – Plot # 54--4**

**Swamini, LLC d/b/a Zully's Wine & Spirits, Dhaval Patel, Manager of the LLC**, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to Shri Gurave, LLC, d/b/a Zully's Wine & Spirits**. Upon approval **Jasminkumar Patel will be a Member and Co-Interest Holder (25%), Falguni Patel will be a Member and Co-Interest Holder (25%), and Jaimin Soni aka Patadia will also be a Co-Member and Co-Interest Holder (50%) in the LLC;** **Dhwani Mandia will be the Sole Manager of the LLC and the Manager of the Liquor License**. The proposed transferee is also requesting a **Pledge of the Retail Package Store All Alcohol License and Alcohol Inventory to Rockland Trust Company**, with an address of **288 Union Street, Rockland, MA.** as security to authorize and execute a promissory note in the amount of **Three Hundred Thousand Dollars (\$300,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Premises will remain the same as follows: One room on the first floor of a one-story building in an area approximately 2,800 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 a room 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 at the rear of the building. The premise is situated on the south side of Kempton Street between Commonwealth Avenue and the Dartmouth Town Line, and is numbered **1240 Kempton Street**. (Premise is located within the Shaw's Plaza area.)

Final approval will require a '**Certificate of Inspection**' from the Building Department and a '**Food Permit**' from the Health Department.

*Application has been advertised; Abutters' notification not required.*

**Present: Atty. Daniel Vieira along with Dhwani Mandlia, Proposed Manager along with Jaimin Soni aka Patadia, Co-Owner**

Upon discussing the application with those present including the qualifications of the proposed manager, the Board expressed their concern that Ms. Mandia had no prior experience in the liquor industry and that she was currently a full time student. The Board stated that their concern was based on the fact that this store is located close to UMass Dartmouth, and that there have been issues with regard to sales to underage students in the past.

Upon hearing the Board's concern, Atty. Vieira, who stated that he was filling in for Atty. Matthew Porter who prepared the application and was unable to attend tonight's meeting, requested that the matter be tabled to the Board's December meeting.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter to the Boards December 19<sup>th</sup> meeting.**

**2. PETITION - Trans. # 233 - Plot # 78--237**

**Shiv Shakti Convenience, Inc. d/b/a Lucky 7 Food Mart, Manubhai Patel, President**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Manubhai Patel will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100%) of the Corporation. **Manubhai 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 four-story building in an area approximately 2,010 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. There is only one (1) entrance/exit, which is located in the front of the building; as well as a door leading to the basement area where alcohol will also be stored. The premise is situated on the east side of County Street, on the corner of County and Weld Streets, and will be numbered **190 Weld Street**.

Final approval will require a **'Certificate of Inspection'** from the Building Department and a **'Food Permit'** from the Health Department.

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

**Present: Manubhai Patel, Applicant and Proposed Manager and Owner**

Upon discussing the matter with Mr. Patel, both Chairman Beauregard and Commissioner Almeida shared the same opinion that based on the number of other off premise liquor licenses (5) that exist within close proximity of the proposed new location, that the public need was being met in that area.

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously not to approve the application based on the lack of public need of a new package store license in the area.**

**Board's Written Decision of 12/06/16**

Per your public hearing of November 21, 2016 for a Wine & Malt Only Retail Package Store to be located at 190 Weld Street, this Board voted unanimously not to approve your application based on the lack of public need of a new package store license in the area.

The Board applied the 7 Ballarin factors that are referenced in Ballarin Inc. v. Licensing Board of Boston in making this decision. It was the opinion of the majority that a number of off premise liquor licenses (5) exist within close proximity of your premises and therefore satisfies the public need for that area.

You have the right to appeal to the Commonwealth of Massachusetts, Alcoholic Beverages Control Commission, 239 Causeway Street, Suite 200, Boston, Massachusetts 02114 within five (5) days from receipt of this notice. A copy of said appeal must be submitted to this office as well.

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 3 – 9** at one time; waive reading; and approve the applications as presented – **Unanimous**

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

**UMass Dartmouth-CVPA, Jessica Fernandes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Business After Hours' to be held at the **UMass/Star Store Building**, located at **715 Purchase Street**; and to be held on **Wednesday, November 16, 2016, from 5:00 p.m. until 7:00 p.m.**

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

**Committee for Dorothy Ferro Cabral, Peter Vieira, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Fundraiser' to be held within the **Madeira Pavilion**, located on the **Madeira Feast Grounds**; and to be held on **Saturday, November 19, 2016, from 2:00 p.m. until 6:00 p.m.**

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

**N. B. Whaling Museum, Inc., Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Gallery Closing' event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, November 30, 2016, from 6:00 p.m. until 8:00 p.m.**

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

Global Learning Charter Public School, Christina Rebello, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Business After Hours' to be held at the **Union Square Building (GLCPS)**, located at 174 Union Street; and to be held on **Thursday, December 8, 2016, from 5:00 p.m. until 7:00 p.m.**

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

Global Learning Charter Public School, Christina Rebello, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Holiday Staff Party' to be held at the **Union Square Building (GLCPS)**, located at 174 Union Street; and to be held on **Friday, December 9, 2016, from 4:00 p.m. until 6:00 p.m.**

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

N. B. Whaling Museum, Inc., Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Gallery Opening' event to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Friday, December 9, 2016, from 6:00 p.m. until 8:00 p.m.**

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

Low Tide Yacht Club, Robin Branco, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a '70<sup>th</sup> Surprise Birthday Party', to be held **inside** the Low Tide Yacht Club, located within **Fort Taber Park**; and to be held on **Saturday, December 31, 2016, from 8:00 p.m. until 1:00 a.m. (Final approval will require Liquor Liability with the City named as additionally insured)**

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

Jason J. Oliver, who resides at 432 Gulf Road West, Dartmouth, MA., is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Cove Road Auto Sales**, with premises situated at 1421 Cove Road.

**Note: Site was previously licensed to Cove Auto Sales, LLC, who did not renew his license for 2016; this site has been previously approved for the display of Twenty (20) cars by the Office of Inspectional Services.**

All required documents have been submitted. (Final approval of the Motor Vehicle Class II License will require a '**Certificate of Inspection**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.)

**Present: Jason Oliver, Applicant**

Responding to questions from Chairman Beaugard, Mr. Oliver stated that he is requesting approval of Class II license to sell cars and that he was requesting that he be allowed to display twenty (20) cars, as previously approved by Inspectional Services for that location; he also stated that all general repairs will be performed at South Dartmouth Auto, which he also owns, and that he's had prior experience in the sale of automobiles.

**VOTED:** Commissioner Almeida made a motion to approve the application as presented pending receipts of all necessary documents; and to approve the license for the display of twenty (20) cars, as previously approved by Inspectional Services –

**Unanimous**

**11. Hearing: Albert J. Santos d/b/a Royal II**

**Mr. Albert J. Santos, Owner**  
**123 MacArthur Drive**

**Transfer Approved On 08/30/16**

**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.



**07/25/16 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 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.

***Present: Luis DaSilva, Representing Albert J. Santos***

Mr. DaSilva informed the Board that as he stated in July, they did have a couple of people looking at it both as restaurants but neither deal materialized; adding that the plan now was to give it until March or April to see if they can find a buyer for the restaurant, if not, they would go ahead and develop the site; but for right now it's still up for sale.

**Board's Written Decision of 12/07/16:**

**The Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's June 26, 2017 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, 2017 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.

**12. Hearing: P37, LLC, d/b/a Pier 37**

**Mr. Jeremy J. Dias, Owner/Manager**  
**37 Union Street**

**Closed 10/02/16 – Licensee Decision**

As a result of your recent closure, 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 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: Jeremy Dias and Eddy Yedlin, Co-Owners***

Mr. Nanopoulos informed the Board that he had spoken to Atty. Warren Agin, who stated that P37, LLC has filed for Chapter VII bankruptcy; and that the trustee planned on renewing the license, with the understanding that the asset would be sold after the first of the year at some point.

Mr. Dias stated that Atty. Agin would be in to sign the renewal and pay the renewal fee as the trustee.

Mr. Dias also submitted a written notice of the Chapter VII bankruptcy, which was received and placed on file by the Board.

**VOTED:** Commissioner Almeida made a motion to approve the renewal for 2017; with no further action at this time.  
 – **Unanimous**

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

**Mr. Jose G. Borges, Jr., Owner**  
**289 Acushnet Avenue**

**Closed/Fire 01/26/15 – Ongoing Renovations**  
**Altering of Premises Approval – 08/31/16**  
**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.

**Present: Jose G. Borges, Jr., Owner**

Mr. Borges stated that he's received all of his approvals from Boston, he is just waiting for his permits from Inspectional Services to complete the work, and if everything goes well, he plans to open by the first week of January; adding that the only thing that would hold that up would be something with inspections but he doubted it.

**Board's Written Decision of 12/07/16:**

As a result of the open hearing held on November 21, 2016 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 2017 prior to this Board considering approval of your 2017 renewal application; **the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's February 27, 2017 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 February 1, 2017 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.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove item #14 from the table; and to take up the matter at this time.**

**Tabled At 07/25/16 Meeting**

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

**Mr. Thomas A. Kern, Manager**  
**908 Purchase Street**

**Closed 07/21/15**  
**Prior Renewal Hearings: (3)**

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.

**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 November meeting.**

The Board's decision was based on the plans you submitted prior to the meeting regarding the ongoing renovations of your establishment, and your planned intention to re-open as a sports bar as soon as the renovations are complete.

If you are operational by November 21, 2016, you will not be required to appear as notified.

**Present: Thomas A. Kern, Manager/Owner**

Mr. Kerns informed the Board that they were finishing up the renovations and that it was his intention not to open up until March of 2017, since it didn't make sense to open up in January or February due to the weather and the economy.

**Board's Written Decision of 12/07/16:**

As a result of the open hearing held on November 21, 2016 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 2017 prior to this Board considering approval of your 2017 renewal application; **the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's April 24, 2017 meeting.**

The Board's decision was based on the information you provided to the Board in which you stated that the ongoing renovations would be complete by March 1, 2017, which would allow you to open by the end March as a sports bar.

If you are operational by April 1, 2017, you will not be required to appear as notified.

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

**Tabled At 07/25/16 Meeting**

**15. 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: (5)**

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.

**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 November meeting.**

The Board's decision was based on the information provided by Atty. (Christopher) Markey at said meeting, at which he stated that it's now your intention to sell your license due to a much longer construction time than originally anticipated.

If you would like this office to make your license available to those who inquire about available licenses, please let Mr. Nanopoulos know, so that he may add you to his list of available licenses.

Please be advised that it will still be your responsibility to sign your 2017 renewal and submit the 2017 license fee, if your license has not been transferred and approved by the ABCC by November 21, 2016.

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: Licensee was excused from appearing.**

Mr. Nanopoulos informed the Board that he had spoken to Atty. Markey and Ms. Yang that their intention was still to sell the license due to project delays, and requested that the license be posted on the list of available licenses.

**Board's Written Decision of 12/07/16:**

As a result of the open hearing held on November 21, 2016 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 2017 prior to this Board considering approval of your 2017 renewal application; **the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's March 27, 2017 meeting.**

The Board's decision was based on the information provided by Atty. (Christopher) Markey, in which he stated that it's now your intention to sell your license due to a much longer construction time than originally anticipated.

This office has posted Atty. Markey's contact information on the liquor license availability list, which we have posed in the office, and that we distribute upon request.

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

**Tabled At 07/25/16 Meeting**

**16. 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: (5)**

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 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 voted unanimously to table the matter until this Board's November meeting.**

The Board's decision was based on the update provided by Atty. Markey as to where his client currently stood in the process of renovating the premises, which included certain issues that arose that delayed and impeded the ongoing renovations. Atty. Markey stated that his client 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.

**Present: Licensee was excused from appearing.**

Mr. Nanopoulos informed the Board that had he spoken to Atty. Markey and he stated that they were still working on the renovations, which they found to be more extensive than originally planned.

**Board's Written Decision of 12/07/16:**

As a result of the open hearing held on November 21, 2016 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 2017 prior to this Board considering approval of your 2017 renewal application; **the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's February 27, 2017 meeting.**

The Board's decision was based on the update provided by Atty. Markey as to where you currently stood in the process of renovating the premises, and that those renovations would be complete by February 1, 2017.

If you are operational by February 1, 2017, you will not be required to appear as notified.

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

**Tabled At 07/25/16 Meeting**

**17. 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: (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.

**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 November meeting.**

The Board's decision was based on the information that you provided to this Board in which you stated that you had someone interested in purchasing your license, which would be used at a different location; and that you 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.

If an application for a transfer of license has been submitted and approved by the Alcoholic Beverages Control Commission by November 1, 2016, you will not be required to appear as notified.

**Present: Ramon Silva, Licensee**

Mr. Nanopoulos informed Mr. Silva that although he renewed his license online, he was still required to come into the office with the required documents to renew his license on the local level.

Responding to questions from Chairman Beauregard, Mr. Silva stated that he had someone who was going to buy the license and rent the space but it's my understanding that the transaction fell apart because of the rent; adding that he was not a party to that portion of the deal, which was handled by Mr. Rockett with whom he's had no contact with regarding the renting of the space. Mr. Silva stated that if the license is not sold by February 1, 2017, he would work on moving it somewhere else.

When asked by Chairman Beauregard if he had a Pledge on it to keep the license at that location, Mr. Silva stated that he holds a pledge on it but not specifically to keep it at that site.

When asked by Chairman Beauregard, so you can't do anything with that license unless he signs off on it? To which Mr. Silva responded, right, and I've tried to reach his Attorney ... Jay Peabody doesn't represent him anymore ... so we haven't been able to contact him.

Mr. Nanopoulos informed the Board that Mr. Rockett has no rights to the license unless he forecloses on the licenses through the court.

Mr. Silva responded, my plan is ... if he doesn't allow me to get rid of the pledge ... or if he doesn't work out a deal with somebody for that space by January ... I've already spoken to a couple of other property owners about moving it on my own ... and doing something else with it.

Chairman Beauregard responded, I would strongly suggest that you do that sooner rather than later, I think we've given him more than ample opportunity to use your license at his location.

Mr. Silva responded by stating, I've already had preliminary conversations with a landlord that's renovating the building about potentially moving into a space this spring.

Chairman Beauregard responded, I would strongly suggest that you pursue that rather quickly.

Mr. Nanopoulos informed Mr. Silva that he should try getting in touch with Carol Robinson, who takes care of Mr. Rockett's affairs, and suggested that he call the office in the morning to get the number.

**Voted:** On a motion by Commissioner Almeida the Board voted unanimously to table the matter until this Board's February 27, 2017 meeting.

**Voted:** On a motion by Commissioner Almeida, the Board voted unanimously to remove item #18 from the table; and to take up the matter at this time.

*Tabled At 07/25/16 Meeting*

**18. Hearing: JAKIBRI, LLC**

**d/b/a Kirby's Irish Pub**

**Mr. Jason Kirby, Manager/Co-Owner**

**818 Kempton Street**

**Closed 09/21/15 – Estimated**

**Prior Renewal Hearings: (3)**

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.

**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 November meeting.**

The Board's decision was based on the information that you provided to this Board in which you stated that you had a signed P & S Agreement to transfer your license to Douglas Grace, and that license would be staying at the current location; and that you were only waiting for your Certificate of Good Standing to complete the application; and that you anticipated that the application would be submitted in time for the September meeting.

If an application for a transfer of license has been submitted and approved by the Alcoholic Beverages Control Commission by November 1, 2016, you will not be required to appear as notified.

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

**Voted:** On a motion by Commissioner Almeida the Board voted unanimously to table the matter until this Board's December 19<sup>th</sup> meeting.

**Voted:** On a motion by Commissioner Almeida, the Board voted unanimously to remove item #19 from the table; and to take up the matter at this time.

*Tabled At 09/26/16 Meeting*

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

**Mr. Simon Furtado, Licensee**

**805 Brock Avenue**

Your presence is requested at a hearing because of 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.

**09/26/16 Decision**

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 meeting.**

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); James Pappas, Area Inspector.***

Upon discussing the matter at length with Mr. Furtado with input from Mr. Pappas, who stated that Mr. Furtado has reduced the number of cars on his lot to the required number (20), and that he's removed a lot of trash from the lot, adding that it's not a perfect lot yet, **the Board voted unanimously to once again table any action until its April 24, 2017 meeting.**

**Board's Written Decision of 12/06/16**

Following the public hearing that was held on November 21, 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 April meeting.**

The Board took this action to allow you an additional amount of time (5 Months) 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 April 24, 2017 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 2017 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 item #20 from the table; and to take up the matter at this time.**

**Tabled At 09/26/16 Meeting****20. 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**

It has been noted that your establishment has not been open during the hours that you presented to the Board and as such your presence is requested at a hearing to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

In accordance with Massachusetts General Laws Chapter 138, section 77, the licensing authorities may, after hearing or reasonable opportunities 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.**

**At this hearing, the Board is requiring you to submit register tapes or a register generated report for all liquor sales occurring between September 1, 2016 and October 29, 2016; you are also hereby ordered to bring with you your 2016 Liquor License.**

Please be advised that your failure to appear or provide the information as requested will result in the automatic revocation of your license.

**Present: Mario Gomes, Owner/Manager**

Responding to questions from Chairman Beauregard, Mr. Gomes stated that he has a potential buyer with whom he plans to meet with this Sunday with the owner of the property to try to work out a lease agreement; adding that there has been some dispute as to whether the liquor license has to stay at that location, which the landlord believes is required based on a pledge that's on the license.

When asked by Chairman Beauregard as to who the potential buyer was, Mr. Gomes didn't have a name but stated it was a Cape Verdean woman, adding that he has another person interested if this falls through.

When asked by Chairman Beauregard if he was currently open, Mr. Gomes stated that he was not open at all now.

When asked by Chairman Beauregard if he brought the license in as instructed, Mr. Gomes stated that it was in his other folder, which he did not bring.

Chairman Beauregard responded by instructing Mr. Gomes to surrender all his licenses in the morning to Mr. Nanopoulos.

**Board's Written Decision of 12/06/16**

As a result of the open hearing held on November 21, 2016 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 2017 prior to this Board considering approval of your 2017 renewal application; **the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's February 27, 2017 meeting.**

The Board's decision was based on the information you provided to the Board in which you stated that you had a couple of people interested in buying your license, and that a P & S would be signed over the next several weeks; at which time an application for transfer would be submitted.

If an application for transfer is submitted by February 1, 2017, you will not be required to appear as notified.

• **CORRESPONDENCE**

**In City Council October 27, 2016**

**Received 11/10/16**

The undersigned (Cove Road Auto Sales, LLC, 1421 Cove Road) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Repair, & Car Sales.**

**IN CITY COUNCIL, October 27, 2016**

**Special Permit Granted**

**Presented to the Mayor for approval October 31, 2016**

**Approved November 4, 2016**

Dennis W. Farias, City Clerk  
Dennis W. Farias, City Clerk  
Jonathan F. Mitchell, Mayor

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

**In City Council October 27, 2016**

**Received 11/10/16**

The undersigned (Hathaway Collision Center, 175 Potter Street) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Body Work & Painting.**

**IN CITY COUNCIL, October 27, 2016**

**Special Permit Granted**

**Presented to the Mayor for approval October 31, 2016**

**Approved November 4, 2016**

Dennis W. Farias, City Clerk  
Dennis W. Farias, City Clerk  
Jonathan F. Mitchell, Mayor

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

• **COMPLAINTS RECEIVED:**

---NONE---

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

<b><u>NAME</u></b>	<b><u>POLICE REPORT#</u></b>	<b><u>DATE</u></b>	<b><u>VIOLATION</u></b>
1. Carlo's Kitchen	#16 - 14579 - OF	11/13/16	"Third Party Event"; Serving After Hours: Late Night Disturbance(s)

(Approximate Time of Violation 2:30 a.m.)



**Decision: Bring In For a Hearing – 01/23/16**

- |                              |                  |          |   |
|------------------------------|------------------|----------|---|
| 2. Tilia's Restaurant & Café | #16 – 14577 – OF | 11/13/16 | Late Night Disturbance/Over Capacity<br>(Approximate Time of Violation 1:54 a.m.) |
|------------------------------|------------------|----------|---|

**Decision: Bring In For a Hearing – 01/23/16**

- |                    |                  |          |   |
|--------------------|------------------|----------|---|
| 3. Ilha Verde Café | #16 – 14236 – OF | 11/04/16 | Patron Assaulted/ Intoxicated Patron<br>(Approximate Time of Violation 2:50 p.m.) |
|--------------------|------------------|----------|---|

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

- **HOLIDAY HOURS**

The Licensing Board has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 24, 2016, as follows:

- Hotels, Restaurants, Taverns, and Clubs may sell Alcoholic Beverages during the usual hours. (8:00 a.m. until 2:00 a.m.)
- “Package Goods” Stores may not sell or deliver Alcoholic Beverages at any time on that day; but they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before.
- Manufacturers and Wholesalers and Importers shall make no sales or deliveries at any time during the day.
- **NEXT TWO MEETING DATES:** December 19, 2016 & January 23, 2017, both on Mondays in Room 314 – Confirmed
- **MEETING ADJOURNED:** 7:45 p.m.

**PRESENT: Steven A. Beauregard, Chairman****Marcelino “Sonny” G. Almeida, Commissioner***City Council***Edmund F. Craig, Jr., Commissioner****Atty. John A. Markey, Jr., Asst. City Solicitor (Last Meeting)****Atty. Kreg Espinola, Asst. City Solicitor (Initial Meeting)****Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.****Nick Nanopoulos, Director****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION****Change of Officer, New Stockholder, & Transfer of Stock - Trans. # 180 – Plot # 132-614**

**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**.

**Approved By ABCC – 11/30/16****Change of Officers & Directors - Trans. #093 – Plot # 106—185**

**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**.

**Approved By ABCC – 11/30/16****Transfer - # 02943-GP-0778 – Plot # 126--65**

**Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol, James F. Pettijean, President**, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License to Pub 6T5, LLC**. Upon approval, Richard F. Trapilo will be a Co-Member, Co-Interest Holder (50%), and the Manager of The LLC; and Margaret Trapilo will also be a Co-Member and Co-Interest Holder (50%) of the LLC. **Richard F. Trapilo is the Proposed Manager of the Liquor License**. The previously approved description will remain the same as follows: Premise includes two rooms and a kitchen on the first floor of a two – story building with stock in the cellar and on the first floor. Premise is situated on the northeast corner of Ashley Boulevard and Park Avenue, and is numbered **736 Ashley Boulevard**.

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’**.

**Approved By ABCC – 12/12/16****VOTED:** To accept all the approvals from the ABCC and place them on file. – **Unanimous****Tabled at 09/26/16 Meeting)****1. 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. **Note: Last payment was made on 09/26/16.**

**Minutes of 09/26/16 Meeting**

**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.**

**Present: Licensee was excused from appearing.**

Mr. Nanopoulos informed the Board that Atty. Blair Bailey sent him an e-mail earlier in the day stating that Jalice Café, Inc. is currently in compliance with his Tax Agreement with the city, and that no further action is required at this time.

**VOTED: Commissioner Almeida made a motion to remove item # 1 from the table with no further action to be taken at this time. – Unanimous**

**Voted: On a motion by Commissioner Almeida, the Board voted unanimously to remove item #2 from the table; and to take up the matter at this time.**

**Tabled at 11/21/16 Meeting**

**2. PETITION - Trans. # 00176-PK-0778 – Plot # 54-4**

Swamini, LLC d/b/a Zully's Wine & Spirits, Dhaval Patel, Manager of the LLC, who is petitioning to transfer a Retail Package Store All Alcoholic Beverages License to Shri Gurave, LLC, d/b/a Zully's Wine & Spirits. Upon approval Jasminkumar Patel will be a Member and Co-Interest Holder (25%), Falguni Patel will be a Member and Co-Interest Holder (25%), and Jaimin Soni aka Patadia will also be a Co-Member and Co-Interest Holder (50%) in the LLC; Dhvani Mandia will be the Sole Manager of the LLC and the Manager of the Liquor License. The proposed transferee is also requesting a Pledge of the Retail Package Store All Alcohol License and Alcohol Inventory to Rockland Trust Company, with an address of 288 Union Street, Rockland, MA. as security to authorize and execute a promissory note in the amount of Three Hundred Thousand Dollars (\$300,000.00), pursuant to Massachusetts General Laws Ch.138 s.23. Premises will remain the same as follows: One room on the first floor of a one-story building in an area approximately 2,800 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 a room 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 at the rear of the building. The premise is situated on the south side of Kempton Street between Commonwealth Avenue and the Dartmouth Town Line, and is numbered 1240 Kempton Street. (Premise is located within the Shaw's Plaza area.)

Final approval will require a 'Change of Tenant' from the Building Department.

**Application has been advertised; Abutters' notification not required.**

**11/21/16 Minutes**

**Present: Atty. Daniel Vieira along with Dhvani Mandia, Proposed Manager and Jaimin Soni aka Patadia, Co-Owner**

Upon discussing the application with those present including the qualifications of the proposed manager, the Board expressed their concern that Ms. Mandia had no prior experience and was currently a full time student. The Board stated that their concern was based on the fact that this store is located close to UMass Dartmouth, and that there have been issues with regard to sales to underage students in the past.

**Voted: On a motion by Commissioner Almeida the Board voted unanimously to table the matter to the Board's December 19<sup>th</sup> meeting.**

**Present: Atty. Matthew Porter along with Dhvani Mandia, Proposed Manager and Jaimin Soni aka Patadia, Co-Owner**

Mr. Nanopoulos reminded those present that the matter was tabled at the request of the applicant as a result of the concerns regarding the lack of experience of the proposed manager, as well as her status as a full time student.

Mr. Nanopoulos also reminded the Board that Atty. Porter had submitted a written proposal which was passed on to them earlier in the week, which the Board voted unanimously to receive and place on file.

Chairman Beauregard then recognized Atty. Porter and asked him to review his written proposal with the Board, to which Atty. Porter stated the following in addressing the Board's concerns regarding the proposed manager:

So, I understand at the first hearing that there were some concerns with Ms. Mandlia with her operating the store as the manager ... so I just want to address a few of those concerns ... and just state a few of the things we've put in place since that hearing ... so, although Ms. Mandlia is young most certainly and does not have experience in managing a store ... but she has grown up in a family that owns liquor stores ... her father owned one in which she worked in ... certainly not in a management capacity ... but enough to get a feel for the business itself ... beyond that ... what she now has decided to do ... she has received her associates degree ... and that there was talk of her possibly pursuing her bachelor's degree ... she's put that on hold at this point ... so she's going to be managing the store full time ... between 35-40 hours a week ... while she's managing the store ... Jaimin Patel who also has experience and has more experience in a manager's capacity will also be on site as well ... so essentially there will be dual management ... since the last meeting ... the other measures that have taken place ... Ms. Mandlia has started training with the seller ... so she's been at the store for two weeks already ... familiarizing herself with the store ... with the location ... and learning the ins and outs of operating the store ... and she's also received her T.I.P.S. Certification Training ... so we've put that in place going forward ... we've already looked at getting a scanner I.D. which the ABCC specifically recommended ... to address the greater concern of the location of the store as it relates to the nearby University ... we'll certainly be vigilant in that ... we've also talked about putting policies in place in making sure that we are carding every single person that walks into the store.

Atty. Porter concluded his remarks by stating, so I guess the last thing I would say is that Jasmin Patel is here as well ... Jasmin is also a co-owner of the store and he has a decade of experience in the liquor store industry ... so we feel with the three of them combined ... they'll be able to do more than an adequate job in operating the store ... we did look at the possibility of bringing in another manager ... but in all reality ... it would have been bringing in someone that wouldn't have been fully vested by ourselves ... this is a family business ... and they feel there's a lot of trust in this group ... so we feel it will be the best way to be successful in operating that store.

When questioned by Commissioner Almeida about her plans for school, Ms. Mandlia stated that she was going to be at the store full time as the manager and pursue her Bachelor's Degree part time instead of full time.

In response to the new information that was provided including Ms. Mandlia's statement that she would be on the premises as the manager on a full time basis, Commissioner Almeida stated that he would be inclined to change his previous opinion not to approve the application.

Commissioner Craig, who was not at the prior meeting, stated that he would be inclined to approve the application as well. Chairman Beauregard stated that he would also support the approval but put the applicant on notice that if any incidents occur in the first six (6) months, you will be called back in on the incident and we may request that you put a new manager in place. In response, Atty. Porter stated, that's understood ... in fact we even offered that in the letter we submitted.

**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. Mandlia 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 employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

### **3. PETITION - Trans. # 00075-RS-0778 - Plot # 20-355**

**Vila Franca Do Campo, Inc. d/b/a Vila Franca Restaurant & Cafe, Carlos A. Santos, President**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant**. Upon approval, **Grisay Rojas** will be the President, Treasurer, a Co-Director, and a Co-Shareholder (50%); and **Javier Rojas** will be the Secretary, a Co-Director, a Co-Shareholder (50%), and the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License** to **Vila Franca Do Campo, Inc.** with an address of **554 Brock Avenue, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Seventy-Five Thousand Dollars (\$75,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The premises will remain the same as previously approved as follows: The licensed premises consists of a total area of approximately 2,593 sq. ft., which includes one room with a bar and tables for dining, and a separate dining room; along with a kitchen area with stockroom, and two restrooms. There is one entrance/exit onto Nelson Street from the dining room, one entrance/exit onto Second Street from the bar, and an entrance/exit onto Second Street from the dining room. The street level building is situated on the corner of Nelson and Second Streets, and **numbered 601 South Second Street**.

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: Atty. Christopher Markey along with Grisay and Javier Rojas, Co-Owners**

Responding to questions from Chairman Beaugard, Atty. Markey stated the Rojas's currently own a Mexican Restaurant located at 95 Rivet Street for 11 years, which serves alcohol; and their plan is to move to the Vila Franca location at 601 South Second Street.

When asked by Chairman Beaugard if they were going to close their current location, Atty. Markey responded, they're going to keep it for a little bit but eventually they're going to close that down and move everything over to the new location; and for that reason they want to keep the current one open because they have a long history of clientele that come from Providence and outside of the state that come and eat there, and they want to make sure that they notify everyone over the next several months; and see how that goes before eventually closing the existing location, sometime during the summer.

When asked by Chairman Beaugard as to how they planned on managing both places, Atty. Markey stated that Grisay is currently managing the Rivet Street location and Javier will be managing the new location on South Second Street.

When asked by Chairman Beaugard if they planned on having any entertainment at the new location, Atty. Markey stated they planned on having some small live entertainment on occasion ... the Mariachi's ... that type of thing will happen usually Thursday, Friday, and Saturday.

Atty. Markey continued his remarks by stating, one of the things that we're looking to do is to have it open as late as possible ... he's hoping to have the kitchen close at 12 a.m. (midnight) ... what he's looking to do is to attract those people that work the second shift and get them over there for dinner ... and they want to make sure that continues at the new location ... so that's one of the things that they'd like to do ... is to be open till 2 a.m. ... I don't think they've had any real problems at the other restaurant ... it seems that they've done very well ... I think the one benefit to moving out of that particular area is that there's residences above ... so that will eliminate any issues that they may have had.

When asked by Chairman Beaugard if the entertainment would be on the bar side or the restaurant side, Atty. Markey responded, on the bar side except for the Mariachi's which may go through the restaurant.

When asked by Commissioner Almeida as to how late he planned on offering entertainment, Mr. Rojas stated that he may have it till 2 a.m.

Commissioner Almeida responded that he would like to see the entertainment end at 1 a.m. since the restaurant is located in a residential area to start, and see how it goes; adding you can always come back and ask to extend it until 2 a.m. but let's see how it goes first.

Atty. Markey also addressed Commissioner Almeida's concerns by stating, the building is set back in its own building ... and it's got parking ... and there's really no other residential buildings on that side of the street.

**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 Mr. Rojas submit a copy of his T.I.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.

**4. PETITION - Trans. # 00176-PK-0778 - Plot # 112--185**

**W.T. Sports, Inc. d/b/a Legend's Sports Pub, Manuel A. Ferreira, President**, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **H. A. Sports, Inc. d/b/a Legend's Sports Pub**. Upon approval, **Haldo Arriaga** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%) and the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the General on Premise All Alcohol License** to **Manuel A. Ferreira** with an address of **270 Old County Road, Westport, MA.** as security to authorize and execute a promissory note in the amount of **Two Hundred & Forty - Nine Thousand Dollars (\$249,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The premises will remain the same as previously approved as follows: The licensed premises consists of a total area of approximately 1,300 sq. ft., which includes one room with a bar and lounge area, kitchen, two restrooms, and storage area on the first floor of a one-story building.

The premise is situated on the south side of Covell Street, between Acushnet Avenue and Belleville Avenue, and is numbered **78 Covell Street**.

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: Atty. Jennifer Velarde along with Haldo Arriaga, Proposed Manager/Sole Owner**

Responding to questions from Chairman Beaugard, Atty. Velarde stated on behalf of her client, the plans are to keep the operation as it is being currently run ... and the only thing that will be changing is the management and ownership with Haldo managing the business ... everything else will be remaining the same ... employees ... same hours ... the food ... the parking.

When asked by Chairman Beauregard as to what type of experience her client has in running a restaurant and serving alcohol, Atty. Velarde responded, this will be his first restaurant ... but he's a business savvy person ... and that he's had other businesses in the past ... he has had a construction company ... but now that he has a family ... so he's planning on settling down ... and work in the restaurant field ... and let go of the construction company ... so he can focus on the restaurant ... so this will be a family run business.

When asked by Chairman Beauregard if he was T.I.P.S. Certified, Mr. Arriaga stated that he was currently not certified but he was in the process of getting that done; adding that the current staff is T.I.P.S. Certified.

When asked by Chairman Beauregard if they planned on having entertainment, Mr. Arriaga stated that there would not be any live entertainment.

Chairman Beauregard forewarned Mr. Arriaga that, although there have not been any complaints lately, there were some neighbor complaints in the past regarding late night noise emanating from the parking lot, including the roar from motorcycles leaving the area ... people outside smoking ... cars leaving at the end of the night; and suggested that he monitor his parking lot closely, especially at closing time.

**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 Mr. Arriaga submit a copy of his T.I.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.

#### **5. PETITION - Trans. # 234 - Plot # 60--13**

**Standard Marine Outfitters, LLC, Michael Quinn, Manager of LLC**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Michael Quinn will be a Member and Manager of the LLC, and a Co-Interest Holder (49%), and Charles Quinn will be a Member and Co-Interest Holder (51%) of the LLC; and **James A. Rego** is the **Proposed Manager of the Liquor License**. The proposed licensed premises is a marine outfitters and supply store located on the 1<sup>st</sup> floor of a one -story building in an area approximately 6,680 sq. ft., which will include a cooler for the storage of alcohol, as well as shelving for the sale and display of alcohol; the area also includes an office and storage room. There is one (1) entrance/exit in the front of the building, as well as one exit located at the rear of the building. The premise is situated on the north side of Route 6, and will be numbered 137 Pope's Island.

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

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

**Present: James A. Rego, Proposed Manager along with Scott Taber**

Mr. Nanopoulos opened the hearing on the petition by handing out a letter of support from Councilor Winterson, which the Board voted unanimously to receive and place on file.

Responding to questions from Chairman Beauregard, Mr. Rego stated that they were opening up a retail store for the retail and commercial fishing industry and we figured we be a little more diversified than what NORWEST was doing, and that they would be occupying their old building on Route 6 on Pope's Island.

Mr. Rego continued his comments by stating, so we're trying to be a little more diversified ... so we thought it would be a good idea to do a beer cave over here to service the marina across the street ... and there's one on either side of us ... so that's what we're here for.

When asked by Chairman Beauregard if the plan was to only have the one cooler up in the corner shown on the plans, Mr. Rego responded, that is correct, our primary focus is the fishing industry ... the retail industry end of it ... this is just an add on that we're hoping will give us a little niche in the market.

Responding to further questions from Chairman Beauregard, Mr. Rego stated that we're looking for the recreational business ... the marina across the street has 400-500 boats ... so we're hoping they come in to get their stuff and pick up some wine and beer as well.

**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 Mr. Trapilo submit a copy of his T.I.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.

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 6 - 9** at one time; waive reading; and approve the applications as presented - **Unanimous**

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

**N. B. Whaling Museum, Inc., Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'New Year's Eve Fundraiser' event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, December 31, 2016**, from **7:00 p.m. until 9:30 p.m.**

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

**N. B. Whaling Museum, Inc., Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Moby Dick Marathon Dinner' event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, January 6, 2017**, from **5:30 p.m. until 8:00 p.m.**

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

**WJFD-FM, Henry Arruda, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Business After Hours Event' event to be held at **Howland Place – Suite 300**, located at **651 Orchard Street**; and to be held on **Thursday, January 26, 2017**, from **5:00 p.m. until 7:00 p.m.**

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

**New Bedford Art Museum, Margaret Albert, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for an 'Art Opening Reception' event to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Sunday, January 29, 2017**, from **2:00 p.m. until 5:00 p.m.**

- **CORRESPONDENCE**

---NONE---

- **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Carlo's Kitchen	#16 – 14579 – OF	11/13/16	"Third Party Event"; Serving After Hours: Late Night Disturbance(s) (Approximate Time of Violation 2:30 a.m.)
<b><u>11/23/16 Decision – Bring In for January</u></b>			
2. Tilia's Restaurant & Café	#16 – 14577 – OF	11/13/16	Late Night Disturbance/Over Capacity (Approximate Time of Violation 1:54 a.m.)
<b><u>11/23/16 Decision – Bring In for January</u></b>			

- **Motion To Approve All 2017 Liquor License Renewals - Unanimous**

- **2017 Licensing Board Meeting Schedule:**

January 23 <sup>rd</sup>	July 24 <sup>th</sup>
February 27 <sup>th</sup>	August 28 <sup>th</sup>
March 27 <sup>th</sup>	September 25 <sup>th</sup>
April 24 <sup>th</sup>	October 23 <sup>th</sup>
May 22 <sup>nd</sup>	November 20 <sup>th</sup>
June 26 <sup>th</sup>	December 18 <sup>th</sup>

- **NEXT TWO MEETING DATES: January 23, 2017 & February 27, 2017, both on Mondays in Room 314 – CONFIRMED**

- **MEETING ADJOURNED: 7:30 P.M.**

• **HOLIDAY HOURS**

The New Bedford Licensing Board has set the hours for the sale of Alcoholic Beverages for Christmas Eve, Christmas Day, New Years Eve, and New Years Day as follows:

**“CHRISTMAS EVE DAY” SATURDAY, DECEMBER 24, 2016**

**Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.**

**Retail Package Good Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.**

**“CHRISTMAS DAY” SUNDAY, DECEMBER 25, 2016**

**Hotels, Restaurants, Taverns, and Clubs: May Open After 11:00 A.M. until 2:00 A.M.**

**Retail Package Good Stores: May Not Sell or Deliver Alcoholic Beverages On This Day.**

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**DAY AFTER “CHRISTMAS DAY” MONDAY, DECEMBER 26, 2016**

**Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.**

**Retail Package Good Stores: May Sell or Deliver Alcoholic Beverages On This Day During Normal Business Hours.**

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**“NEW YEAR’S EVE DAY” SATURDAY, DECEMBER 31, 2016**

**Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.**

**Sale of alcohol MUST END at 2:00 A.M.**

**“NO OPEN BAR FUNCTIONS ARE ALLOWED”**

**N. B. Licensing Board Rule #19 – WITHIN FIFTEEN MINUTES AFTER CLOSING (2:00 A.M.) all glasses, bottles, or containers used for drinking purposes must be cleared off the tables and bar, and no alcoholic beverage shall be consumed at the expiration of fifteen minutes (2:15 A.M.) after closing. All CUSTOMERS must leave the premises no later than 30 minutes (2:30 A.M.) after closing.**

**Retail Package Goods Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.**

**“NEW YEAR’S DAY” SUNDAY, JANUARY 1, 2017**

**Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 11:00 A.M. until 2:00 A.M.**

**Retail Package Good Stores: Normal Business Hours 10:00 A.M. until 11:00 P.M.**

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