

**LICENSING BOARD MEETING****-MINUTES-****Monday, April 24, 2017  
Ashley Room 120 – 7:00 p.m.****PRESENT: Steven A. Beauregard, Chairman****Marcelino "Sonny" G. Almeida, Commissioner****Edmund F. Craig, Jr., Commissioner****Atty. Kreg Espinola, 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 License - Trans. # 03227-RS-0778 (Old # 00137-RS-0778) – Plot # 50--34**

**JAKIBRI, LLC d/b/a Kirby's Irish Pub, Jason Kirby, Co-Manager of LLC**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Ground Breakers, LLC d/b/a Doug's Sports Lounge**. Upon approval, Douglas Grace will be the Sole Member, Sole Manager, and Sole-Interest Holder (100 %) of the LLC; and **Douglas Grace** is also the **Proposed Manager of the Liquor License**. The premises consists of one (1) room on the first floor of a street level building, which includes a bar area, with a 5' X 12' stage area, two (2) restrooms, and an office/storage room; all within an area approximately 1,409 sq. ft. There will also be an additional storage area in the basement. There is an entrance/exit in front of the building onto Kempton Street, along with an entrance/exit into the parking lot located at the rear of the building. The premise is situated on the south side of Kempton Street between Rockdale Avenue and Palmer Street, and will remain the same at **818 Kempton 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'**.

**Approved By ABCC – 04/12/17****Change Of Officers, Directors, & Manager - Trans. # 00095-CL-0778– Plot # 106--137**

**Clube Ponta Delgada, Inc., Eric Stephens, President**, who is petitioning for a **Change of Officers, Directors, and Manager 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, Eric Stephens will remain as the President, Alan Mello will remain as the Vice-President, Kristen Jennifer Stephens will be the (New) Treasurer, and Christine Brennan will be the (New) Secretary; and Robert Mello, Randall Machado (New), and Edward Greenwood (New) will all be Co-Directors. The 'Club' is also requesting the approval of **Kristen Jennifer Stephens.**, who resides at **27 Nelson Street, N.B., MA. as their New Manager**. Premises will remain the same at **61-65 Madeira Avenue**.

*(No Advertisement nor Abutters Notification Required)***Approved By ABCC – 04/18/17****Change of Manager- Trans. #00077-RS-0778 – Plot # 53--195**

**The Pequod, Inc. d/b/a Rose Alley Ale House, 94 Front Street**, is requesting the approval of **Ryan K. Rapoza**, who resides at **153 Davis Road, Westport, MA. as their new manager**.

**Approved By ABCC – 04/19/17****Change of Description (Addition of New Room) - Trans. #00149-RS-0778– Plot # 47--38 & 47--39**

**Cork County, Inc. d/b/a Slainte Irish Pub & Grille, Barry M. Flynn, Co-Director**, located at **34 Union Street**, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages licensed premises** to include an additional room with a service bar that is contiguous to the licensed premise. The additional room, which is approximately 1872 sq. ft., is located on the first floor of the adjacent three story building and is numbered 44 Union Street, will have a direct entrance/exit into 34 Union Street; and will be used as a function hall and for additional dining. The licensed premise shall now be numbered **34-44 Union Street**.

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

*Application has been advertised; Abutters have been notified.***Approved By ABCC – 04/12/17****VOTED: To accept the approvals from the ABCC and place them on file. – Unanimous**

**1. PETITION - Trans. #00151-RS-0778 – Plot # 53--198**

**Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, President**, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages license** to include an outdoor patio area approximately 378 sq. ft. (14' X 27') to be used as a 'Sidewalk Café', which will be enclosed with a 42" high wooden fence & planters, and will be used for ***seated dining purposes only***. The enclosed area, which will include Five (5) tables for the seating of Twenty-Eight (28) patrons, will be located on the south side (front) of the building, which is contiguous to the licensed premises. **The Combined Maximum Occupancy for Both Inside and Outside Will Not Exceed Thirty-Four (34) People**. The proposed outdoor area will only be accessible by way of an entrance/exit on the west side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>st</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensed premises will remain numbered **35 Union Street**. *Application has been advertised; Abutters have been notified.*

***Present: Jason P. Lanagan, Owner***

Responding to questions from Commissioner Almeida, Mr. Lanagan stated that they requested approval for sidewalk seating for outdoor dining.

When asked by Commissioner Craig as to the construction of the enclosure that will be used, Mr. Lanagan stated that it will be made of cedar fencing as well as planters.

***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.

**2. PETITION - Trans. # 02680-GP-0778– Plot # 119--13 (No Representation Required)**

**Jere A. Espejo d/b/a Shooters Pub, Jere A. Espejo, Sole Owner (Individual)**, who is requesting a **Change of the Legal Structure of the General on Premise Wine & Malt Only Beverages license to Shooter's Pub, Inc.(Corporation); and a Change of Beneficial Interest from an Individual to a Corporation**. Upon approval, Jere A. Espejo will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100 %); and **Jere A. Espejo** will remain as the **Manager**. Premise will remain the same at **2112 Acushnet Avenue**.

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

Mr. Nanopoulos informed the Board that the owner of the liquor license was simply changing from an individual to a corporation, and that Ms. Espejo will be the sole member and stockholder of the corporation, and that it was an administrative change that did not require any representation.

***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.

**3. PETITION - Trans. # 00118-RS-0778– Plot # 47-45-A (No Representation Required)**

**Zeiterion Theatre, Inc. Peter Hughes, President**, who is petitioning for a **Change of Officers and Directors of the General on Premise 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.

Upon approval, Peter Hughes will be the President and Co-Director, Martha Worley will be the Vice-President and Co-Director, Jessica Platt will be the Treasurer and Co-Director, and Gail Davidson will be the Clerk and a Co- Director. No change in Stock Interest (Non-Profit). **Justin T. LaCroix** will remain as Manager. Premises will remain the same at 684-686 Purchase Street.

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

Mr. Nanopoulos informed the Board that this was just simply a yearly change of officers and directors of the corporation, and that it was an administrative change that did not require any representation.

***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.

**4. APPLICATION, Representation Required**

**Food Truck Festivals of America/City of New Bedford, Paige Grinnell, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for the '1<sup>st</sup> Annual New Bedford Food Truck Festival' to be held at **Fort Taber Park on the Great Lawn**; and to be held on **Saturday, July 15, 2017, from 11:00 p.m. until 5:00 p.m. (Last Call at 4:30 p.m.)**. **\*\*\* Security Plan has been submitted\*\*\***

*(Final approval will require Liquor Liability with the City named as additionally insured, and a copy of the Police Detail Contract)*

**Present:** Ann Marie Aigner, Event Representative along with Brian Nobrega, Park Board Representative

Responding to questions from Chairman Beauregard, Mr. Nobrega stated that the event was being held in co-ordination with the City of New Bedford Tourism Office and the Park Department, as well as being a co-sponsored event with the City of New Bedford.

When asked by Chairman Beauregard to describe the event a little bit and address as to how the event will be laid out on the outer fort, Ms. Aigner responded, it's an event open to the public which will feature twenty-five (25) food trucks along with some craft beer breweries which will be offering a couple of their beers.

Chairman Beauregard asked Ms. Aigner to describe how the alcohol would be served and controlled within the "festival area", since that's what this Board would be approving tonight.

Ms. Aigner reviewed the plans with the Board, which basically were the same plans that were used for the "Son of a Beach Festival", which was held the year prior and were furnished by the Park Board.

Ms. Aigner went on to state, I.D.'s will be checked and wristbands will be issued to those 21 and over ... and that the I.D. checks will be done by a professional I.D. Checking service (Tony's Pro Bartending) at the gate when they come in ... they will be selling beer tickets ... and all the servers will be T.I.P.S. Certified from each distributor ... and that there would be minimal entertainment ... adding, this is primarily a food event more than anything else ... there will probably be a radio station there broadcasting ... and those purchasing beer will be able to walk around the entire enclosed area where the food trucks will be set up.

Mr. Nobrega then reviewed the enclosed area with the Board and stated that there would be several police details.

**Voted:** On a motion by Commissioner Almeida, the Board voted **unanimously to approve the application as presented.**

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 5 – 19** at one time; waive reading; and approve the applications as presented – **Unanimous**

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

New Bedford Yacht Club, Andrew Gerbutavich, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Gallery Showing"; to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Thursday, April 27, 2017, from 5:00 p.m. until 8:00 p.m.**

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Gallery Opening"; to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Tuesday, May 2, 2017, from 6:00 p.m. until 8:00 p.m.**

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Book Launch"; to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Wednesday, May 10, 2017, from 6:00 p.m. until 8:00 p.m.**

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "Banquet/Scrimshaw Weekend" to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Friday, May 12, 2017, from 5:30 p.m. until 7:00 p.m.**

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Fundraiser"; to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Thursday, May 25, 2017, from 7:00 p.m. until 9:00 p.m.**

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

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern, Noah Griffith, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '6<sup>th</sup> Annual Whaling City Motorcycle Club Ride Fundraiser', to be held within Wing's Court; and to be held on **Sunday, May 28, 2017, from 1:00 p.m. until 5:00 p.m.**

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

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

Community Boating Center, Mary Ellen DeFrias, Representative, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License, for an 'Opening of the Bay Fundraiser' to be held in Fort Taber Park – Under a Tent; and to be held on Saturday, June 3, 2017, from 6:00 p.m. until 11:00 p.m.

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

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

TJA Foundation, John Saunders, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for a 'Bike Run to Benefit Trevor & Jordan Alves' to be held at the Madeira Field – Main Pavilion Area, located on Madeira Avenue; and to be held on Sunday, June 4, 2017 from 12:00 p.m. until 6:00 p.m.

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

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

Prince Henry Society, William Viveiros, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for their 'General Meeting Event' to be held within the Madeira Field Pavilion Area, located at 50 Madeira Avenue; and to be held on Tuesday, June 6, 2017, from 6:00 p.m. until 9:00 p.m.

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

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a "Gallery Opening"; to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Thursday, June 8, 2017, from 6:00 p.m. until 8:00 p.m.

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

Your Theatre, Inc., Eric Paradis, Representative who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for the 'New Bedford Jazz Fest 2017' to be held on Pier 3, and to be held on Saturday, June 10, 2017 from 2:00 p.m. until 7:00 p.m. *(Final approval will require Liquor Liability with the City named as additionally insured, and a copy of the Police Detail Contract) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\**

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

Community Boating Center, Mary Ellen DeFrias, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Alcoholic Beverages License, for a 'Club 505 Regatta' to be held in the Low Tide Yacht Club located at Fort Taber Park; and to be held on Wednesday, June 14<sup>th</sup>, Thursday, June 15<sup>th</sup>, Friday, June 16<sup>th</sup>, Saturday, June 17<sup>th</sup>, & Sunday, June 18<sup>th</sup>, 2017, from 3:00 p.m. until 5:00 p.m. each day (5).

*(Final approval will require Liquor Liability with the City named as additionally insured, Police Detail Not Required per Park Board) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\**

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

The Schwartz Center for Children, Beatrice Oliveira, Representative, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a 'Fishing for a Cause Tournament Fundraiser' to be held at Marine Park on Pope's Island (under a tent); and to be held on Saturday, June 24, 2017, from 5:00 p.m. until 10:00 p.m. *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\**

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

Irmandade Do Divino Espirito Santo Do Pico, Inc., Manuel Da Fonte, Representative, who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for a 'Fundraiser/Summer Festival' celebration to be held in the Association Parking Lot, located at 2056 Acushnet Avenue; and to be held Friday, June 23, 2017, from 5:00 p.m. until 11:00 p.m., Saturday, June 24, 2017, from 4:00 p.m. until 11:00 p.m., and Sunday, June 25, 2017, from 12:00 p.m. until 10:00 p.m. *(Final approval will require a copy of the Police Detail Contract)*

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

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for a "Gallery Opening"; to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Friday, July 7, 2017, from 6:00 p.m. until 8:00 p.m.

**Tabled On 11/21/16**

**20. 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: (4)**

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 314, on Monday evening, March 27, 2017 at 7:00 p.m.**, to determine the status of your annual liquor license for the year 2017.

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

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

**11/21/17 Decision**

**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 any more ... 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 license 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 you more than ample opportunity to use your license at this 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 March 27, 2017 meeting.**

**If an application for transfer is submitted by March 27, 2017, you will not be required to appear as notified.**

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

**Minutes of 03/27/17**

**Licensee did not appear as requested.**

**Present: Ramon Silva, Licensee**

Responding to questions from Chairman Beauregard, Mr. Silva stated that he had been in negotiations with someone to sell the license but the deal kind of fell apart because he felt that there may have been a conflict of interest as a result of his position he has with the city, so he terminated those negotiations. Mr. Silva went on to state that he's spoken to a property owner downtown and that he expected to submit an application next month (May) to change the corporate structure from an LLC to a corporation and transfer the license to a new location downtown.

When asked by Chairman Beauregard if he was going to use the license himself physically, Mr. Silva replied, "yes". When asked by Chairman as to when he would be submitting the application, Mr. Silva responded, he should have the application submitted by the middle of next month as long as he could have the lease worked out by then, which hopefully would be done in time to make next month's agenda.

Mr. Nanopoulos informed the Board that the application would have to be submitted by May 5<sup>th</sup> for the May 22<sup>nd</sup> meeting, adding that the application should be submitted as a full transfer.

Chairman Beauregard suggested that the matter be tabled to the June meeting to give Mr. Silva ample time to submit the application.

Mr. Nanopoulos instructed Mr. Silva to give him a call to set up an appointment and that he would assist him in getting the application started, as well as giving him a list of what documents he would need to complete the application.

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously to **table the matter until the Board's June 26, 2017 meeting.** – **Unanimous**

**21. Meeting: Atty. Christopher R. Whittingham**  
**15 Hamilton Street**

Re: Lebanese Kitchen License #00158-RS-0778  
**Closed 07/12/14 – Renovations (Fire)**

Your presence is respectfully requested at the meeting to determine your plans for a currently inactive Common Victualler (Restaurant) Wine & Malt Only license, for which you've signed a Purchase and Sale Agreement in order to purchase the liquor license only.

At this meeting, please be prepared to update the Board as to when you plan to submit an application for transfer and to what location; as well as a planned opening date; or if you've decided not to finish the process with regard to this license.

**Present: Atty. Christopher A. Whittingham along with Jean Palazzo, Applicants**

Prior to the start of the meeting on this matter, Atty. Espinola informed the Chairman that he had a conflict of interest on this matter and stepped out of the room.

Responding to questions from Chairman Beauregard, Atty. Whittingham stated that he was in the process of finalizing a lease to move a Wine & Malt license to a new location at 37 Union Street; and that he planned to keep the license and operate the premises himself as a high end roast beef and sandwich shop.

Atty. Whittingham stated that he hoped to have the lease finalized and an application submitted in time for the June meeting.

Chairman Beauregard informed Atty. Whittingham that there was currently another license issued for that location and that another license cannot be moved to that location until such a time that license is transferred out of that location or if both applications are submitted simultaneously for approval.

Mr. Nanopoulos informed the Board that he received a call from Atty. Johnna Tierney earlier in the day in which she informed me that the license currently issued to Pier 37 was being purchased by Mr. Lafrance and would be transferred to the old National Club building, which he has or would be purchasing; and that she was looking to complete the application in time for the May meeting.

Atty. Whittingham stated that he would not have all the necessary paperwork ready for the May meeting but he thought he would have the application complete in time for the June meeting.

Mr. Nanopoulos informed the Board that the application would have to be submitted by June 9<sup>th</sup> for the June 26<sup>th</sup> meeting, added that the application should be submitted as a full transfer.

Mr. Nanopoulos instructed Atty. Whittingham to give him a call to set up an appointment and that he would assist him in getting the application started, as well as giving him a list of what documents he would need to complete the application.

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously to **table the matter until the Board's June 26, 2017 meeting.** – **Unanimous**

**22. Meeting: Dia De Portugal Committee**  
**Mr. Carlos Pinhancos, President**

Your presence is requested at a meeting to be held in this office to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the 'Day of Portugal' weekend, the meeting will include Lt. Joao Chaves, Liaison to the Licensing Bd.

Also, we respectfully request you submit a 'Security Plan', along with a 'Vendor Map' to this office **by April 17, 2017**, which would address the following issues:

- Alcohol Service - # of Drinks/Cups
- I.D. Checks and the Issuance of Wristbands
- Flow and Control of Alcohol
- # Of Police Officers
- Hours of Operation - Starting Times/Closing Times/Last Call/etc.

With an eye to this year's event, this Board is looking forward to working with you and your committee, and we would hope you would continue the improvements that have been implemented over the past few years, and that you explore ways to improve on that plan, with regard to I. D. check's; and to address the issue of how the I.D. bracelets are issued.

We fully anticipate that this year's committee will work with us to help ensure that the 'Day of Portugal' event, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Portuguese heritage, remains a safe and enjoyable event for all.

Also, please be advised that this year's deadline for each individual to file an application and submit the licensing fee of **\$450.00** for a Special Three - Day Liquor license for this year's event, which is scheduled for Fri. – Sun. – June 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup>, is **Monday, May 15, 2017.**

As the committee has done in the past, **it would be greatly appreciated if you would supply this office with a list of those that will be participating in this year's event ASAP**, which should include the organization/ or business name, contact name, and phone #, so that this office can make sure that everyone applies in a timely manner.

The requirements will be the same as last year, which included that everyone will be required to apply for an **All-Alcoholic license for each of the days (3) for a total fee of \$450.00 (payment due w/application)**; also, so that there is uniformity among all participants, each license will be issued with the same hours and restrictions as follows:

- FRIDAY, JUNE 9<sup>th</sup> – 5:00 P.M. UNTIL 11:45 p.m.
- SATURDAY, JUNE 10<sup>th</sup> – 12:00 P.M. UNTIL 11:45 p.m.
- SUNDAY, JUNE 11<sup>th</sup> – 12:00 P.M. UNTIL 10:00 p.m.

**NOTE:** Only holders of Special One Day Licenses are allowed to serve alcohol in plastic cups from either booths set up along Acushnet Avenue or from inside licensed premises, *which must be consumed within the confined area of the festival* – Steven A. Beauregard, Chairman – N.B. Licensing Board.

**NO BOTTLES OR DRINK GLASSES ARE ALLOWED ONTO THE STREET**  
**ALL DRINKS ON THE STREET MUST BE IN PLASTIC CUPS**

**Present:** *Carlos Pinhancos, Feast President along with Dulce Matos, Vice-President and Angela Amaral, Advisor*  
 Responding to questions from Chairman Beauregard, Mr. Pinhancos stated, we've made a few changes planned for this year's event by downsizing in an attempt to try to control our costs... so we've eliminated one stage, which will leave one stage at the corner of Holly and Acushnet Avenue ... and the other is we're cutting down on the number of liquor vendors ... so right now we've got five locations ... not eight as we normally do ... adding that it would be Cafe Europa, Cafe Portugal, Adriana's Mexican Restaurant, Mi Antojo Mexican Restaurant, and our two booths (Day of Portugal Committee) ... and we may even cut our booths down to one ... but we have not made that decision as of yet.

When asked by Chairman Beauregard if they've met with the Police Department with regard to police details, Mr. Pinhancos replied, we're meeting with them tomorrow; adding, by shrinking the area down, we're trying to shrink that cost down as well.

When asked by Chairman Beauregard if the attendance has stayed relatively the same, Mr. Pinhancos stated that the attendance has dropped the past couple of years, so that's why we've cut it back this year as well.

When asked by Chairman Beauregard if the distances would be staying the same, Mr. Pinhancos stated that the distances would be staying the same but there wouldn't be anything in those blocks; he also stated that he hasn't heard from the church yet as to whether they would be doing anything but they usually wait to the last minute to inform us.

Mr. Pinhancos added, as far as changes ... that will be it ... our rules that we've submitted to you are pretty much as they have been in the past ... security plan is pretty much the same ... hours of operation are the same ... all the streets will be blocked off ... wristbands are still the same ... each vendor is responsible for checking I.D.'s and issuing wristbands. Mr. Nanopoulos informed the committee that the applications must be applied for by May 15<sup>th</sup> along with a check for \$450.00.

**ACTION TAKEN:** The Board unanimously approved the 'Security Plan; and the 'Changes' that were submitted.

**23. Hearing: Cork County, Inc. d/b/a Slainte Irish Pub & Grille**

**Mr. Barry W. Flynn, Manager**  
**34 Union Street**

Your presence and that of Michael Tavares and Danny Furtado, Bouncers, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel 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 Regulation No. 10, 11, & 12-**

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, and it is the responsibility of the Licensee to enforce this rule; Premises must be kept safe at all times.

**Summary of Incident Report #1**

Police Department Incident Report states that Officers were dispatched to a disturbance in the rear of Slainte Irish Pub on Commercial Street along with a report that there may be a fight in the front of the building, which required a response from multiple units.

Upon arrival there was a separate fight in the rear of Slainte. Upon dealing with that incident, the reporting officer went to the front of Slainte, where he was directed to a victim of an assault that occurred inside of Slainte. The victim identified himself as Michael Tavares who stated he was working as a bouncer that evening, and had a laceration to his forehead and was bleeding. When he was asked as to what had happened, he stated that there was a large fight involving 15 to 20 patrons inside the bar that were asked to leave by another bouncer. He stated that while escorting them outside, one of the patrons punched him two or three times in the face and fled.

Another bouncer, identified as Danny Furtado, was also assaulted after a patron was cut off by the bartender when he refused to leave the premises.

**Date and time of alleged violations: Sunday, March 19, 2017 @ approximately 1:09 a.m.**

**Police Report # 17-3087-OF**

**Summary of Incident Report #2**

Police Department Incident Report states that multiple units were dispatched to the area of Rte. 18 and Union Street for a large fight/physical altercation, which started at Slainte Irish Pub and spilled out on the sidewalk near the old National Club; which involved members of a wedding party and several of the bouncers from Slainte. The reporting officer stated that the altercation was over prior to his arrival but it was clear that there was a significant fight.

The officers observed several people on the sidewalk from the wedding party that were screaming and yelling; including two males who had ripped/un-tucked clothing and bumps/small cuts on them; along with another male who was transported to the hospital with a broken ankle. It was reported to the reporting officer that these males from the wedding party had been in a fight with the bouncers from Slainte. Several members of the wedding party were highly intoxicated. One of the medics on site informed the reporting officer that he recognized the "wedding party" from a call he went to earlier at another bar where one member had to be taken to the hospital because of a high level of intoxication; he also noted that the "wedding party" had been "causing problems" at the other bar as well.

The incident occurred when a heavily intoxicated member of the wedding party attempted to enter Slainte but was refused entry because of his level of intoxication and was asked to leave. According to a female witness who was the male patron, the door men from Slainte kicked the male patron out and as they were walking away down the sidewalk, several of the bouncers followed them and started assaulting the male patron they turned away. The female stated that she was also knocked to the ground by the bouncers during the altercation. When others from the wedding party saw the male involved in the altercation they began yelling and screaming and they too got into the brawl.

When the situation was under control, the officers made their way in to Slainte to speak to the bouncers. According to Mr. Furtado, who stated that he was the Head Doorman/Bouncer, stated that the male was the cause of the altercation as a result of his refusal to leave willingly after being told to do so; at which point they had to use force to get him out of the bar after he would not leave on his own accord. Mr. Furtado stated that during the initial confrontation that the male threatened him and grabbed him by the throat/neck; and that the altercation spilled outside where it worsened as others from the wedding party got



involved. According to Mr. Furtado, he and his bouncers were defending themselves against the attack. According to a female witness, she pointed to Mr. Furtado and Mr. Tavares as the two more aggressive bouncers in the fight/altercation. The officers noted that none of the bouncers appeared to be injured.

The Reporting officers also noted in their report that there have been several unrelated altercations at Slainte Irish Pub in the near past; adding that on the same evening a male with a firearm in his possession had been arrested. He also stated that there was another large fight the prior weekend.

The bouncers assured the reporting officer that they have a pat-down/frisk policy on everyone as a precaution in an attempt to curb violent altercations.

**Date and time of alleged violations: Sunday, March 26, 2017 @ approximately 1:30 a.m.**

**Police Report #17-3382-OF**

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

**Present: Barry Flynn, Licensee along with Danny Furtado and Michael Tavares, Doormen; Lt. Joao Chaves, Police Department Liaison to the Lic. Bd. along with Officers Michael Dane and Jeremy Dellecese, Reporting Officers**

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 receive the report and place it on file.**

**The following written decision in part was issued to the licensee on 04/03/17.**

Per your recent hearing regarding violations of Alcoholic Beverages Control Commission Regulation 204 CMR 2.05 (2) and Licensing Board Regulations 10, 11, & 12- on complaints reported to this Board by the New Bedford Police Department, the Board, based on the testimony presented by the Officers and discussing the matter in detail with you, **voted unanimously not to take any action at this time with a warning that there must be a proper level of security at all times to ensure the safety of your staff and your patrons; as well as to ensure that disturbances or altercations do not occur.**

This office once again reminds you of the following ABCC Rules and Regulations and Licensing Board Rules & Regulations:

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

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises;

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

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive Noise, Crowds, and Objectionable Persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe....

• **CORRESPONDENCE**

**From: Atty. Joseph P. Fingliss, Jr.**

**Dated – 04/12/17 Received – 04/18/17**

**Re: Quick Stop Convenience, Inc.**

**2344 Acushnet Avenue**

Please accept this correspondence as our client's NOTICE OF APPEAL from the decision of the New Bedford Licensing Board dated April 1, 2017 as being both arbitrary and capricious, and an abuse of power.

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

• **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Greasy Luck Brewery	#17-4265-OF	04/15/17	Disturbance/Serving to Intoxication (Approximate Time of Violation 11:01 p.m.)

**Decision:** The Board voted unanimously to receive the report and place it on file.

- **Upcoming Summer Events & Festivals (For Review Only)**

- 11<sup>th</sup> Annual Cinco De Mayo Celebration – May 6<sup>th</sup> - License Applied For – No Changes”
- Viva Portugal – May 6, 2017 – “License Applied For – New Set Up - Approved”
- 11<sup>th</sup> Annual Taste of the South Coast (Pier 3) – May 21<sup>st</sup> - License Applied For – No Changes”
- Irmandade Do Divino Espirito Santo Do Pico – June 23<sup>rd</sup>, 24<sup>th</sup>, & 25<sup>th</sup> - License Applied For – No Changes”
- Day of Portugal – June 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup>  
(April Meeting)
- New Bedford Jazz Fest – June 10<sup>th</sup> - License Applied For – No Changes”
- Cape Verdean Day Parade – July 1<sup>st</sup>  
(May Meeting?)
- New Bedford Folk Festival – July 8<sup>th</sup> & 9<sup>th</sup> - License Applied For – New Set Up - Approved”
- New Bedford Food Truck Festival – July 15<sup>th</sup>  
(April Meeting)
- Summer Concert Series – July thru Sept.  
(May Meeting?)
- Feast of the Blessed Sacrament (Madeira Feast) – Aug. 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup>  
(June Meeting?)
- 12<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup>

**Note:** Capt. Adelino Sousa introduced himself to the Board and stated that he will be the ‘new’ Liaison to the Licensing Board.

- **NEXT TWO MEETING DATES:** May 22<sup>nd</sup> & June 26<sup>th</sup> , both on Mondays, in the Ashley Room (120) - **Confirmed**
- **MEETING ADJOURNED:** 7:50 p.m.

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

**Monday, May 22, 2017**  
**Ashley Room 120 – 7:00 p.m.**

**PRESENT:** Steven A. Beauregard, Chairman

*City Council*

Marcelino "Sonny" G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. Kreg Espinola, Asst. City Solicitor

Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd. (A \_\_\_\_\_)

Nick Nanopoulos, Director

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

**Pledge of License - Trans. #02829-RS-0778 – Plot # 52—292 (No Representation Required)**

Vault LLC d/b/a Greasy Luck Brewery, 791-797 Purchase Street, Mark Martino, Co-Manager of LLC, is requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to TD Bank N.A. with an address of P.O. Box 1029, 200-A Carolina Point Parkway, Greenville, South Carolina, as security to authorize and execute a promissory note in the amount of Eight Hundred & Fifty Thousand Dollars (\$850,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.

**Approved By ABCC – 04/26/17**

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

St. Michael Social Club, Inc., Nelson Tavares, President, who is petitioning for a **Change of Officers, Directors, and Manager, 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, Nelson Tavares will be the (New) President, Chris Pereira will remain as Vice-President, Rodolfo Botelho will remain as the Treasurer, and Valdir Araujo will be the (New) Clerk. Nelson Tavares, Chris Pereira, Rodolfo Botelho, Valdir Araujo, Joe Avelar, Fernando Pacheco, and Jay Williams will all be Co-Directors. The 'Club' is also requesting the approval of **Nelson Tavares**, who resides at **275 Bates Street, New Bedford, MA. as their new manager**. Premises will remain the same at **101 Madeira Avenue**.

**Approved By ABCC – 05/09/17**

**Altering of Premises - Trans. #00151-RS-0778 – Plot # 53--198**

Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, President, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages license** to include an outdoor patio area approximately 378 sq. ft. (14' X 27') to be used as a 'Sidewalk Café', which will be enclosed with a 42" high wooden fence & planters, and will be used for **seated dining purposes only**. The enclosed area, which will include Five (5) tables for the seating of Twenty-Eight (28) patrons, will be located on the south side (front) of the building, which is contiguous to the licensed premises. **The Combined Maximum Occupancy for Both Inside and Outside Will Not Exceed Thirty-Four (34) People**. The proposed outdoor area **will only be accessible** by way of an entrance/exit on the west side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensed premises will remain numbered **35 Union Street**.

**Approved By ABCC – 05/10/17**

**VOTED:** Commissioner Almeida made a motion to accept the approvals from the ABCC and place them on file. –

**Unanimous**

**1. PETITION - Trans. # 00014-RS-0778 – Plot # 47—41 (No Representation Required)**

P37, LLC d/b/a Pier 37, Ramon Silva, Authorized Person, who on behalf of the New Bedford Economic Development Council, Inc. pursuant to an Order of the Bankruptcy Court, District of Massachusetts, Docket # 16-14367 (Dated 02/23/17); for a license currently issued at 37 Union Street, is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to Franklin Hospitality Corporation, who is also requesting a **Change of Location** from 37 Union Street to 24 Union Street. Upon approval, Richard L. Lafrance will be the President, Treasurer, Secretary, Sole Director, Sole Stockholder (100 %), and **Manager of the Liquor License**.

The proposed new location will have three (3) rooms, a stock room, a kitchen, and two restrooms in area approximately 2,184 sq. ft., which is located on the first floor of a two-story building. The premises will have one (1) entrance/exit in the front of the building onto Union Street, and one (1) emergency exit on the south side of the building. The proposed licensed premise is situated on the southwest corner of Union and Front Streets, and will be **numbered 24 Union 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 have been notified.*

**Stipulations for approval:**

1. That the licensee complete an Alcohol 'Server Certification' course; and proof of that certification be provided to this office; and that all employees are 'certified' as well, with copies of their certifications kept on file for review, if needed;
2. That the licensee files an electronic application to amend the description of the premises and any other changes, as soon as the plans, business name, and possible new manager are decided upon;
3. Final Licensing Board Approval is required prior to opening.

**Voted:** On a motion by Commissioner Almeida the Board, unanimously voted to receive the approval letter that was submitted by the property owner (Mr. Marder) of 37 Union Street; and to place it on file upon it being read into the record.

**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 with the three stipulations listed on the agenda. – **Unanimous**

**2. PETITION - Trans. # 237 – Plot # 71--154**

**ARA Convenience, Inc. d/b/a Payless Convenience Store, Mohammed H. Rashid, President**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon approval, Mohammed H. Rashid will be the President, Treasurer, Secretary, a Co-Director, and a Co-Shareholder (51%), and Halima A. Mili will be the Vice-President, a Co-Director, and a Co-Shareholder (49%). **Mohammed H. Rashid is the Proposed Manager**. The proposed licensed premises is a convenience store located on the 1<sup>st</sup> floor of a three-story building in an area approximately 1,222 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 an office, three rooms for storage, and one restroom. There is one (1) entrance/exit in the front of the building, situated on the northeast corner of Cedar and Parker Streets, and **numbered 274 Cedar Street**.

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

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

**Present:** Mohammed H. Rashid, Applicant, along with Steven J. Perry, Property Owner of the Proposed Location.

As a result of the hearing on the application that was submitted for a "New" Retail Package Store Wine & Malt License, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted 2 -1 not to approve the application based on the lack of a public need.**

**The following written decision in part was issued to the licensee on 05/26/17.**

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 Board that a number of off premise liquor licenses (2) exist within .5 miles of your premises and therefore satisfies the public need.

The Board also weighed in with traffic concerns including the lack of adequate parking and suitable space for deliveries. 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.

**Note:** The licensee did not appeal the Board's Decision.

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 3 - 31** at one time; waive reading; and approve the applications as presented – **Unanimous**

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

**Club SS Sacramento Scholarship Committee, Edward Camara, Jr., Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a **'Wine Tasting Fundraiser'** to be held at the **Madeira Field - Main Pavilion**; and to be held on **Saturday, May 13, 2017 from 6:00 p.m. until 11:00 p.m.**

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

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

Day of Portugal Committee, Dulce Matos, Senior Vice-President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Day of Portugal Fundraiser' to be held at the **Madeira Field – Main Pavilion Area**, located on **Madeira Avenue**; and to be held on **Sunday, May 21, 2017 from 12:00 p.m. until 6:00 p.m.**

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

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

New Bedford Art Museum, Jennifer Almeida, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Jacob's Family Dinner Reception' event to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Wednesday, May 24, 2017, from 5:00 p.m. until 10:00 p.m.**

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

Coastline Elderly Services, Inc., Leanne Allebach, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Wine & Malt Tasting Fundraiser' to be held at **Howland Place – 1<sup>st</sup> Floor**, located at **650 Orchard Street**; and to be held on **Friday, June 2, 2017 from 6:00 p.m. until 9:00 p.m.**

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

New Bedford Art Museum, Jennifer Almeida, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Art Opening' event to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, June 2, 2017, from 6:00 p.m. until 8:00 p.m.**

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

Rotch-Jones-Duff House, Kimberly Rioux, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Fundraiser' event to be held at the **Rotch-Jones-Duff House**, located at **396 County Street**; and to be held on **Saturday, June 10, 2017, from 6:00 p.m. until 10:00 p.m.**

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

W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Urban Soiree Fundraiser", to be held at **149 Union Street (W.H.A.L.E. property)**; and to be held on **Friday, June 16, 2017 from 5:30 p.m. until 7:30 p.m.**

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

New Bedford Heritage Center, Jessica D. Bailey, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Cocktail Party Fundraiser', to be held at the **New Bedford Heritage Center**, located at **38 Bethel Street**; and to be held on **Saturday, June 24, 2017 from 6:30 p.m. until 9:00 p.m.**

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

Club Madeirense – S.S. Sacramento, Edward Camara, Jr., Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '2017 Night of St. John Clamboil' to be held at the **Madeira Field – Main Pavilion Area**, located on **Madeira Avenue**; and to be held on **Sunday, June 25, 2017 from 12:00 p.m. until 5:00 p.m.** **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

New Bedford Art Museum/Artworks!, Margaret A. Albert, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Fundraiser Garden Party' event to be held at the **Haskell Gardens**, located at **787 Shawmut Avenue**; and to be held on **Friday, July 7, 2017, from 6:00 p.m. until 9:00 p.m.**

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

Shark's Fund Fisheries Corp., Matthew F. Phillips, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for an 'Awards Banquet/North Atlantic Shark Tournament', to be held at **Marine Park on Pope's Island (under a tent)**; and to be held on **Saturday, July 15, 2017, from 7:00 p.m. until 11:45 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)* **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

The Monte Pio Luso Americano Corp., Helder Almeida, Treasurer, requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for their 'Annual Holy Ghost of Acores Feast' to be held in the 'Club Parking Lot', located at 540 Orchard Street, and to be held on **Friday, July 14, 2017 and Saturday, July 15, 2017, from 6:00 p.m. until 11:45 p.m. each night; and Sunday, July 16, 2017, from 12:00 p.m. until 10:30 p.m.**

*(Copy of the Police Detail Contract Required)*

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

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

St. Michael Social Club, Inc. Valdir Araujo, Representative requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser/Fiesta Do Chicharro' to be held on **Madeira Avenue**, located at 101 Madeira Avenue (On Street), to be held on **Friday, July 28, 2017 from 6:00 p.m. until 11:45 p.m. and on Saturday, July 29, 2017 from 12:00 p.m. until 11:45 p.m.**

*(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)*

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

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

W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Wine Festival & Auction Fundraiser' to be held at the **Allen C. Haskell Public Gardens**, located at 787 Shawmut Avenue; and to be held on **Friday, September 15, 2017 from 5:30 p.m. until 9:00 p.m.**

- Friday Nights on the Summer Concert Series - Special One-Day Licenses (6)**

*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract; Concert series will begin on Friday on July 7<sup>th</sup> and end August 11<sup>th</sup> with rain dates of August 18<sup>th</sup> & August 25<sup>th</sup> \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\**

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

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 7, 2017, from 6:00 p.m. until 8:00 p.m.**

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

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 14, 2017, from 6:00 p.m. until 8:00 p.m.**

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

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 21, 2017, from 6:00 p.m. until 8:00 p.m.**

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

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 28, 2017, from 6:00 p.m. until 8:00 p.m.**

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

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 4, 2017, from 6:00 p.m. until 8:00 p.m.**

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

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the City Pier – Pier 3; and to be held on Friday, August 11, 2017, from 6:00 p.m. until 8:00 p.m.

- **Day of Portugal (Security Plan Approved at 04/24/17 Meeting) (5)**

*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*

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

Cape Verdean Association in New Bedford, Inc, Raquel Dias, President, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for an 'Open House Fundraiser' to be held within the Cape Verdean Association Cultural Center, located at 1157 Acushnet Avenue; and to be held on Saturday, June 10, 2017 and Sunday, June 11, 2017, from 5 p.m. until 7:00 p.m. **NOTE:** This event is being held on the Day of Portugal weekend. **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

Day of Portugal Committee, Veronica Medeiros, Representative who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the 'Day of Portugal Celebration' to be held on Acushnet Avenue (from Bullard Street to Beetle Street); and to be held Friday, June 9, 2017 from 6:00 p.m. until 11:45 p.m., Saturday, June 10, 2017 from 12:00 p.m. until 11:45 p.m., and Sunday, June 11, 2017 from 12:00 p.m. until 10:00 p.m. **NOTE:** Feast Committee will have two booths within the feast grounds.

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

European Café, Inc. d/b/a Café Europa, Pedro Ferreira, Manager, who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the 'Day of Portugal Celebration' to be held on Acushnet Avenue (from Bullard Street to Beetle Street); and to be held Friday, June 9, 2017 from 6:00 p.m. until 11:45 p.m., Saturday, June 10, 2017 from 12:00 p.m. until 11:45 p.m., and Sunday, June 11, 2017 from 12:00 p.m. until 10:00 p.m.

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

Calderon & Calderon, Inc. d/b/a Café Portugal, Roberto Calderon, Treasurer, who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the 'Day of Portugal Celebration' to be held on Acushnet Avenue (from Bullard Street to Beetle Street); to be held Friday, June 9, 2017 from 6:00 p.m. until 11:45 p.m., Saturday, June 10, 2017 from 12:00 p.m. until 11:45 p.m., and Sunday, June 11, 2017 from 12:00 p.m. until 10:00 p.m.

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

El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant, Grisay Rojas, Manager, who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the 'Day of Portugal Celebration' to be held on Acushnet Avenue (from Bullard Street to Beetle Street); and to be held Friday, June 9, 2017 from 6:00 p.m. until 11:45 p.m., Saturday, June 10, 2017 from 12:00 p.m. until 11:45 p.m., and Sunday, June 11, 2017 from 12:00 p.m. until 10:00 p.m.

- **Cape Verdean Day Parade - Special One-Day Licenses (4)**

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

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

Cape Verdean Recognition Day Committee, Julio Barbosa, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for a 'Fundraiser/Cape Verdean Day Parade Festival', to be held in the Morse Twist Drill Parking Lot; and to be held on Saturday, July 1, 2017, from 11:00 a.m. until 8:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)

**29 APPLICATION, (No Representation Required) – “LATE FILE”**

The Bisca Tournament Club, Jose Duarte, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fundraiser/Cape Verdean Day Parade’, to be held in the **Club - Parking Lot**, located at **161 Acushnet Avenue**; and to be held on **Saturday, July 1, 2017, from 11:00 a.m. until 8:00 p.m.**

*(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract) \**

**30. APPLICATION, (No Representation Required) – “LATE FILE”**

The New Cape Verdean Ultramarine Band Club, Inc., Kenneth Silva, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fundraiser/Cape Verdean Day Parade’, to be held in the **Club - Parking Lot**, located at **185 Acushnet Avenue**; and to be held on **Saturday, July 1, 2017, from 11:00 a.m. until 11:45 p.m.**

**31. APPLICATION, (No Representation Required) – “LATE FILE”**

Verdean Veteran’s Memorial Foundation, Kim Watkins, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fundraiser/Cape Verdean Day Parade’, to be held in the **Club - Parking Lot**, located at **561 Purchase Street**; and to be held on **Saturday, July 1, 2017, from 10:00 a.m. until 7:00 p.m.**

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

**32. 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.

**11/21/16 Decision**

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 May meeting.**

The Board took this action to allow you an additional amount of time (6 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 May 22, 2017 meeting.**

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.

**Present: Simon Furtado along with his wife Maria Furtado; Danny Romanowicz, Commissioner of Buildings**

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 table the matter to the Board’s October meeting to give Mr. Furtado ample time to come into compliance with the requirements of the Office of Inspectional Services.**

**The following written decision in part was issued to the licensee on 05/26/17.**

Following the public hearing that was held on May 22, 2017 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 October meeting.

The Board took this action to allow you an additional amount of time (5 Months) to come into **full 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 are in full compliance prior to this Board's October 23, 2017 meeting, at which you must appear at 7:00 p.m. in Room 314.**

**Failure to be in full compliance, the Board must take action, and as such your 2018 license may not be renewed; and 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.**

**05/09/17** – A Written Request was received from Dr. Sharma in which he stated that he will be away on May 22, 2017, thus unable to attend the hearing, with a request for another date to be given. (On File)

**33. Hearing: Emerald Partnership Ltd. d/b/a New Bedford Inn & Suites**

**Dr. Satish Sharma, President**  
**500 Hathaway Road**

**Re: Licensing Board Regulation # 6**

As you are aware, your business is currently operating without an approved manager and thus, **you were informed by this Board that you have until May 8, 2017 to re-submit an application for a new manager.** Your failure to comply will find you in violation of MGL Chapter 138 (S12 & 23) and Licensing Board Regulation #6 which would require the Board to take additional action.

As a reminder, while your liquor license is in our possession alcohol may not be stored, served, sold or consumed on the premises; **and at no time, is alcohol allowed to be brought onto the premises by your guests.**

Additionally, it has been brought to the Board's attention that there have been several incidents at this location requiring police involvement. **As a result, you are also hereby notified that you are required to appear before this Board.**

Should you need assistance in preparing your application, please feel free to contact our office.

**34. PETITION - Trans. #00082-HT-0778 – Plot # 94--2**

**Emerald Partnership, LTD d/b/a New Bedford Inn & Suites, 500 Hathaway Road, is requesting the approval of Kathy M. Dehner, who resides at 1259 Rockdale Avenue, N. B, MA. as their new manager.**

**VOTED: On a motion by Commissioner Almeida, the Board voted unanimously to table items 33 & 34; until the Board's June 26, 2017 meeting. – Unanimous**

• **CORRESPONDENCE**

**From: Ralph Sacramone, Executive Director**

**Dated – 05/01/17 Received –05/01/17**

**Re: Quick Stop Convenience, Inc.**

**2344 Acushnet Avenue**

**Notice of Hearing Date: Wednesday, June 28, 2017 @ 1:30 p.m.; an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 2344 Acushnet Avenue.**

• **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. Euphoria Lounge	#17 – 5229 – OF	05/07/17	Disturbance/Shots Fired (Approximate Time of Violation 2:11 a.m.)
<b><u>Decision:</u> Bring In For a Hearing – 06/26/17</b>			
2. Tilia's Restaurant & Cafe	#17 – 5228 – OF	05/07/17	Disturbance/Shots Fired (Approximate Time of Violation 2:04 a.m.)

**Decision: The Board voted unanimously to receive the report and place it on file with a Letter of Warning; with a request for an additional camera facing the parking lot.**

3. The Garden Sports Bar      # - 17-4583 – OF      04/23/17      Disturbance/Stabbing/Staff  
Uncooperative  
(Approximate Time of Violation 2:01 a.m.)

**Decision:** Bring In For a Hearing – 06/26/17

- **Upcoming Summer Events & Festivals (For Review Only)**
  - Day of Portugal – June 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup> - License Applied For – No Changes”
  - New Bedford Jazz Fest – June 10<sup>th</sup> - License Applied For – No Changes”
  - Irmandade Do Divino Espirito Santo Do Pico – June 23<sup>rd</sup>, 24<sup>th</sup>, & 25<sup>th</sup> - License Applied For – No Changes”
  - Cape Verdean Day Parade – July 1<sup>st</sup> - License Applied For – No Changes”
  - New Bedford Folk Festival – July 8<sup>th</sup> & 9<sup>th</sup> - License Applied For – New Set Up - Approved”
  - New Bedford Food Truck Festival – July 15<sup>th</sup> - New Set Up - Approved”
  - Summer Concert Series – July thru Sept. - Licenses Applied For – No Changes”
  - Feast of the Blessed Sacrament (Madeira Feast) – Aug. 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup>  
(June Meeting)
  - 12<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup>
- **NEXT TWO MEETING DATES:** June 26<sup>th</sup> & July 24<sup>th</sup>, both on Mondays, in the Ashley Room (120) - **Confirmed**
- **MEETING ADJOURNED:** 7:40 p.m.

**PRESENT: Steven A. Beauregard, Chairman****Marcelino "Sonny" G. Almeida, Commissioner***City Council***Edmund F. Craig, Jr., Commissioner****Atty. Kreg Espinola, Asst. City Solicitor****Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.****Nick Nanopoulos, Director****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:****Change of Officers & Directors - # 00118-RS-0778– Plot # 47-45-A**

**Zeiterion Theatre, Inc. Peter Hughes, President**, who is petitioning for a **Change of Officers and Directors of the General on Premise 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.

Upon approval, Peter Hughes will be the President and Co-Director, Martha Worley will be the Vice-President and Co-Director, Jessica Platt will be the Treasurer and Co-Director, and Gail Davidson will be the Clerk and a Co-Director. No change in Stock Interest (Non-Profit). **Justin T. LaCroix** will remain as Manager.

Premises will remain the same at 684-686 Purchase Street.

**Approved By ABCC – 05/22/17**

**Change of Officers, Directors, & Manager - Trans. # 00209-CL-0778– Plot # 93--181**

**Centro Luso Americano Club, Inc., Adriano Carvalho, Jr., President**, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Adriano Carvalho, Jr. will remain as the President, Dean Pires will remain as the Vice-President, Joe Silva will remain as the Treasurer, and Horace Carvalho will be the 'new' Secretary; and John Gomes, Jim Neville, Edward Roy, and Lucy Carvalho will remain as Co-Directors. The 'Club' is also requesting the approval of **Jose D. Salgado**, who resides at **1167 Tacoma Street, N.B., MA.** as **their New Manager**. Premises will remain the same at **34 Beetle Street**.

**Approved By ABCC – 05/23/17**

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

**1. PETITION - Trans. # 02829-RS-0778 - Plot # 52--92**

**Vault, LLC d/b/a Greasy Luck Brewery, Mark Martinho, Co-Manager of LLC**, who is petitioning for a **Change of Description (Addition To) of the Common Victualler (Restaurant) All Alcoholic Beverages License to include the entire 2<sup>nd</sup> Floor area** of the two-story building and an **outdoor 'Sidewalk Café' seating area**. The 4,254 sq. ft. 2<sup>nd</sup> floor area will include two (2) existing private function/dining rooms, and four (4) office spaces and seven (7) storage rooms (which may be used for expansion at a later date); as well as a liquor storage room and two (2) restrooms. The front private function/dining room (approx. 484 sq. ft.) will include a portable bar and seating for approx. 48 patrons. The back private function/dining room (approx. 837 sq. ft.) will also include a portable bar and seating for approx. 96 patrons. The 2<sup>nd</sup> floor area will be accessible by way of both an elevator and stairway located in the reception area on the main (1<sup>st</sup>) floor in the front of the building. There are also two additional emergency exits located in the rear of the 2<sup>nd</sup> Floor area, which leads to emergency exits on the 1<sup>st</sup> Floor. The 670 sq. ft. outdoor 'Sidewalk Café' area, which will be enclosed with a 2" Nautical Rope and Seven (7) Planters (2'x4' and 30" high), and will be used for seated dining purposes only. The enclosed area, which will include three (3) tables with seating for four (4) and three (3) tables with seating for two, which will allow for the seating of Eighteen (18) patrons, will be located on the east side (front) of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. There will be one entrance/exit that leads to the front door of the establishment. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>st</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #s 8, & 15). The premises will remain numbered **791-797 Purchase 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 have been notified.*

***Present: Mark Martinho, Co-Manager of LLC***

Responding to questions from Chairman Beauregard regarding the 2<sup>nd</sup> floor addition, Mr. Martinho stated, we have an existing 'Board Room', in which we would like to have seating for forty (40) or less ... to be used for small functions ... and then we have another larger space, which probably will be able to seat eighty (80) to ninety (90) people ... which we'll use for slightly bigger functions ... we've been getting a lot of requests for meetings and business functions ... as well as small private parties, which would really help us grow our business.

When asked by Chairman Beauregard if they planned on having a bar upstairs, Mr. Martinho responded, so we'll have a locked liquor cabinet upstairs and just have portable bars for use in those areas ... but no fixed bars.

When asked by Chairman Beauregard if food would be served in those areas, Mr. Martinho responded, as far as food ... it will be just our regular catering menu.

When asked by Chairman Beauregard if there would be entertainment on the 2<sup>nd</sup> floor, Mr. Martinho responded, no entertainment on the 2<sup>nd</sup> floor ... maybe just music from an iPod or something like that.

When asked by Chairman Beauregard as to what the plans were regarding the outdoor seating area, Mr. Martinho responded, the sidewalk is just to remain competitive with what people are doing downtown ... and that it would have about eighteen (18) seats ... which will be used for dining purposes and we would comply with the hours as stated in the City Ordinance, which requires a 10 p.m. closing for that area ... and we'll also have a host posted in that area at all times ... and there will be no glasses or bottles outside ... and there will be no entertainment ... maybe a little music emanating from a speaker for a little background music.

**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. # 00054-CL-0778 - Plot # 93—92 (No Representation Required)**

**Club Recordacoes de Portugal, Inc., Jose Ramos, New President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Jose Ramos will be the President and a Co-Director, Alipio DosAnjos will be the Vice-President and a Co-Director, Bruno Ramos will be the Treasurer and a Co-Director, and Avelino Sequeira will be the Secretary and a Co-Director. **Ricardo Martins** will remain as **Manager**. Premises will remain the same at **249-253 Coggeshall Street**.

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

Mr. Nanopoulos informed the Board that this transaction was simply a yearly change of officers and directors for a not for profit club.

**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**

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 3 - 16** at one time; waive reading; and approve the applications as presented – **Unanimous**

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

**Community Foundation of Southeastern MA., Diana Painter, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Graduation Party' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, June 8, 2017, from 5:00 p.m. until 7:00 p.m.**

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

**Centro – Luso American Club, Inc., Horace Carvalho, Secretary**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a '4<sup>th</sup> of July Cookout', to be held in the 'Club Parking Lot', located at **34 Beetle Street**; and to be held on **Tuesday July 4, 2017, from 12:00 p.m. until 8:00 p.m.**

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

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

**Fathoms Bar & Grille, Inc., Christopher Bentley, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Captain's Dinner/ Shark Tournament', to be held **on the outdoor grass area, which is contiguous to the outdoor patio area of the licensed establishment, located at 255 Pope's Island**; and to be held on **Thursday, July 13, 2017, from 4:00 p.m. until 8:00 p.m.**

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

**New Bedford Whaling Museum, Tim Nelson, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "Taste of the Port Event" to be held at the **New Bedford Whaling Museum, located at 18 Johnny Cake Hill**; and to be held on **Saturday, July 15, 2017, from 6:00 p.m. until 10:00 p.m.**

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

**First Citizens' Federal Credit Union, Melanie Gluveia, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Chamber of Commerce Business After Hours" to be held at the **First Citizens Bank, located at 468 County Street**; and to be held on **Wednesday, July 19, 2017, from 5:00 p.m. until 7:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "How Diplomacy Brought Peace to Northern New England Lecture & Reception" to be held at the **New Bedford Whaling Museum, located at 18 Johnny Cake Hill**; and to be held on **Thursday, July 20, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an "O'ER the Wide by Mike Dyer Gallery Opening and Reception" to be held at the **New Bedford Whaling Museum, located at 18 Johnny Cake Hill**; and to be held on **Friday, July 21, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**Low Tide Yacht Club, Edward Lobo, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Steak Out/Silent Auction Fundraiser and Dinner, to be held **within the Low Tide Yacht Club, as well as in the adjacent tent, located within Fort Taber Park**; and to be held on **Saturday, July 22, 2017, from 12:00 p.m. until 11:45 p.m. (Final approval will require Liquor Liability with the City named as additionally insured)**  
**\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "New Bedford Whaling Museum Gala" to be held at the **N.B. Whaling Museum, located at 18 Johnny Cake Hill**; and to be held on **Saturday, July 29, 2017, from 6:00 p.m. until 10:00 p.m.**

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

**N. B. Whaling Museum/Prince Henry Society, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "Send Off Party/Pedro Correia" to be held at the **N. B. Whaling Museum, located at 18 Johnny Cake Hill**; and to be held on **Wednesday, August 2, 2017, from 6:00 p.m. until 9:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Peter Pereira Photojournalism Lecture & Reception" be held at the **New Bedford Whaling Museum, located at 18 Johnny Cake Hill**; and to be held on **Thursday, August 10, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**Knucklehead's, LLC d/b/a Knucklehead's Restaurant, John Stone, Manager**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Shenanigan's Reunion in Memory of Mae Boise' to be held in the **Knucklehead's Parking Lot, located at 85 MacArthur Drive**; and to be held on **Sunday, August 13, 2017 from 12:00 p.m. until 11:00 p.m.**

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

**Low Tide Yacht Club, Edward Lobo, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Light The Bay/Pig Roast', to be held **within the Low Tide Yacht Club**, as well as in the adjacent tent, located within **Fort Taber Park**; and to be held on **Saturday, August 19, 2017**, from **12:00 p.m. until 11:45 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured*)

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

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Retrospective on Azorean Whaleboats Exhibit Opening and Reception" to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, September 6, 2017**, from **6:00 p.m. until 8:00 p.m.**

**17. APPLICATION (Special Permit Has Been Approved) – "NEW LOCATION"**

**Maximiliano M. Galvan**, who resides at **240 State Street, N.B. MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Union Auto Towing, Inc. d/b/a Union Auto Towing #3**, with premises situated at **649 Mt. Pleasant Street**. Upon completion of renovations, that the plans indicated site will be used for car sales and repairs; Total amount of cars for display will be determined by Inspectional Services.

Final approval of the Motor Vehicle Class II License will require a '**Certificate of Inspection** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

**Present: No One Appeared As Required**

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously to **table item 17 until the Board's July 24, 2017 meeting.** – **Unanimous**

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously to **take items 24 & 25 out of order.** – **Unanimous**

**18a. Meeting: The Club Madeirense S.S. Sacramento, Inc.**

**Feast of the Blessed Sacrament**

**Mr. Steven B. Duarte, President**

**50 Madeira Avenue**

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations**, concerning the weekend of the **103<sup>rd</sup> Feast of the Blessed Sacrament (August 3<sup>rd</sup> – 6<sup>th</sup>)**. The meeting will include Capt. Adelino Sousa, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.

With regard to this year's event, this Board is looking forward to working with you and your committee with the hope that you embrace the outstanding plan that has formulated over the past several years, and that, if possible, explore ways to improve on the plan.

We fully anticipate that this year's committee will work with us to help ensure that the **103<sup>rd</sup> Feast of the Blessed Sacrament**, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, **remains a safe and enjoyable event for all.**

**PREVIOUSLY ADOPTED:**

- ✓ The Feast grounds perimeter that patrons will be traveling in and out of, which includes the 'Feast and the Carnival area' will be enclosed with **only four (4) entrances/exits locations.** (See Attached Plan)
- ✓ Each entrance/exit will be manned by Police Officers full time and they **will be responsible for not allowing alcohol to leave that area.**
- ✓ The Feast Committee **agreed to hire five (5) additional officers for each night** of the Feast, who will be used to contain the alcohol in the enclosed area.
- ✓ Post signs at all entrances & exits – **"No Alcohol Beyond This Point"**.
- ✓ **Set up barrels at all exits** to help deter persons from leaving the contained area with alcohol.
- ✓ **I.D.'s will be checked before issuing wristbands;** also anyone consuming alcohol will be monitored to make sure they have a wristband and spot checks of person's with wristbands will be done to make sure they have proof of age on them.

- ✓ The Feast Committee has also agreed to keep nine (9) Officers an additional hour (until 2:00 a.m.) to provide extra security for the neighborhood and they will patrol the immediate neighborhood to ensure that those persons leaving the Feast Grounds do so in a timely manner with as minimal an amount of disturbance to the neighborhood as possible.
- ✓ They also have eliminated the 28 oz. containers of Madeira Wine, which will only be sold in 3 oz. & 7 oz. cups, which should eliminate some of the problems with intoxication and the consumption of the wine by minors purchased by persons of age. (New)

#### **ADOPTED FOR 2007:**

- ✓ **Police Officers** – stationed at each I.D. Station.
- ✓ **35 and Under Line** – will be used for the I.D. Scanning machines.
- ✓ **6 I.D. Scanning Machines** – 2 machines at 3 sites on the feast grounds linked to a common database, which will issue only one wristband per night to any one person, which will allow the feast to:
- ✓ Prohibit second hand use of the same license.
- ✓ Better identify those people less than 35 yrs. of age (different style of wristbands).
- ✓ Age Band Bracelets – includes last name and last 4 digits of identification (social security) #'s.
- ✓ Wristbands will be placed on the person's right wrist for easier visibility.
- ✓ Police can override negative or misread readings.
  - **35-Year-Old Plus Line** – I.D. checking for older adults will be done manually.
  - **Special Alcohol Safety Team** – Club members designated to audit liquor service areas for compliance with all liquor laws.
- ✓ **Bartender Training** – Training will be provided to volunteers responsible for serving alcohol.
- ✓ **Improved Signage** – Stating "The Feast Committee may revoke alcohol use at any time for any reason".
- ✓ Signs at all locations where alcohol is served.
- ✓ On the Screen/Main stage.
- ✓ Drinking is a privilege provided by the Club S.S. Sacramento and the Feast of the Blessed Sacrament to those individuals that are of lawful age and responsible.
- ✓ **Underage Sting Program** – The Feast welcomes state and local underage sting operations to help insure safety.
- ✓ **Public Notice** – Feast will promote and inform the public of all new initiatives in place to curb underage drinking and intoxication.
- ✓ **Cab Company/Transportation** – An arrangement has been formed with a local cab company to be available to drive home guests that appear to be under the influence.

Jocelyn Andrade of the Substance Abuse Task Force stated that she would be issuing posters that will help with verifying I.D.'s; and would be looking into holding a training seminar for the Committee and their servers, to which Mr. Colangelo stated would be held the Wednesday before the feast.

Chairman Beauregard once again stated his desire to see the alcohol contained within the fenced in feast grounds, by stating that this is the last weak spot we have, which is the sale of alcohol out onto Hathaway Street; and that is the place we have alcohol coming off the grounds and that is the only area where we don't have the control we would like to see.

#### **ADOPTED FOR 2008:**

- ✓ No vendors serving drinks outside the defined Feast perimeter\*
- ✓ Two TIPS training sessions with more than 50 people completing the 4 hour course
- ✓ Improved ID / Age verification system – I Detect\*
- ✓ There will be rope lines to maintain clearer access for Police and Emergency people and equipment at the Feast Entrance on Tinkham Street
- ✓ Feast Vendors have been located to Hathaway Street providing more handicap parking
- ✓ Hathaway street will be better lit with the same flood-lights previously provided and lighting of vendor areas

#### ***\*Recommendations by the NBPd and the NBLB***

##### **Issuing Wristbands**

- ✓ 10 handheld devices have been purchased
- ✓ All machines linked to computer and each other
- ✓ Separate lines for 30+/35+ years old
- ✓ ID visually checked to verify it is that of the person presenting it.
- ✓ ID scanned and if formatted with proper state encoding and of lawful age a barcode and numeric wristband is printed and information stored in computer – The barcode or id-number on the wristband can be used to retrieve information from the computer.

- ✓ Wristband placed on individual's right-hand
- ✓ Software prohibits multiple uses of the same ID, and can be used to ban individuals from reuse
- ✓ Any questions are consulted with Police stationed at the Wristband booths
- ✓ In the event that a scanning machine appears to be a misread, police can override
- ✓ NB Substance abuse task force members will assist with issuing of wristbands

#### Special Alcohol Safety Team

- ✓ Larry Jacques – Club President
- ✓ Don Neves – Feast President
- ✓ Carl Colangelo – Club BOD
- ✓ John Nunes – Club Treasurer
- ✓ - Feast Vice President
- ✓ Other members of Club and Feast Committee TBD

#### Training and Policy review

- ✓ Review Alcohol and Safety Policy to all Feast Committee members – Mandatory (Wednesday before Feast) – Also, any other members present.
- ✓ Two TIPS training sessions offered to all volunteers and neighborhood bar personnel

#### **ADOPTED FOR 2009**

- ✓ “ONLY 2 Drinks would be served to a person at one time.

#### **ADOPTED FOR 2010**

- ✓ Enclosed ‘Feast Area’ will be expanded into the picnic area behind the charcoal pits for additional dining and for the sale of imported beers and wine only.
- ✓ Will hang banners and/or signage that notifies those consuming alcohol that “NO ALCOHOL IS ALLOWED PAST THIS POINT” at all exit points.

#### **ADOPTED FOR 2012**

- ✓ Five (5) more wristband (I.D. Check) machines and Four (4) more ticket machines were added.

#### **ADOPTED FOR 2013**

- ✓ There were no new initiatives adopted for this year's Feast but all conditions which were previously approved and adopted as stated above, shall be in effect and should be strictly enforced during this year's event, as has been the practice in the past.

#### **ADOPTED FOR 2014**

- ✓ Alcohol shall be allowed to be served onto Hathaway Street;
- ✓ Alcohol shall not be allowed onto the ‘carnival area’;
- ✓ The ‘Feast’ shall be allowed to start at 12:00 p.m. (Noon) on Fridays.

#### **ADOPTED FOR 2015**

- ✓ To purchase four (4) more I.D. Check Wristband Machines
- ✓ To purchase six (6) more Ticket Machines
- ✓ Will remove some trees at the Hathaway Street entrance, which would allow the foot traffic to flow more freely into the enclosed area.
- ✓ Cutting back on their marketing and advertising for this year's event.

#### **ADOPTED FOR 2016**

- ✓ To purchase three (3) more I.D. Check Wristband machines and three (3) more ticket machines.
- ✓ **There would not be a carnival area due to construction of the new school.**
- ✓ They would have up to 475 T.I.P.S. Certified Servers and that **no one is allowed to serve alcohol on the Feast Grounds, unless they are T.I.P.S. Certified;** and that **they have four (4) Certified Trainers that belong to the club,** and we hold the classes at the club.

***Present: Steven Duarte, President, along with David Lucio and Carl Colangelo, Feast Committee Members; Capt. Adelino Sousa, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.***

Chairman Beauregard opened the meeting by stating that he attended a Security Meeting that was called by Chief Cordeiro, and that there have been some changes that he would leave to the members present to present to the Board tonight;



Adding, if those meetings were to continue going forward, that might eliminate the need for a meeting before this Board but that determination will be made next year.

**ADOPTED FOR 2017**

- ✓ Expanded Perimeter & Added Perimeter Protection (Barrier Posts & Jersey Barriers)
- ✓ Added More Security Cameras
- ✓ Daily Canine Sweeps
- ✓ Additional Police Manpower including Gang Unit and State Police Units
- ✓ Additional Signage with regard to alcohol to be posted.
- ✓ Carnival will now be located on the top of Hathaway Street.

**ACTION TAKEN:** All Changes were accepted and placed on file.

Chairman Beauregard once again commended those present for their continued commitment to keeping the 'Feast' a safe event for all, and for working with the Police Department and the Licensing Board to get to the point we're at today over the last thirteen years; and for listening and adopting those suggestions put forth by all who have participated in the process during that time.

**18b. APPLICATION**

**Club Sports Madeirense, - S.S. Sacramento, Inc. Paul LeConte, President** requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '102<sup>nd</sup> Feast of the Blessed Sacrament' to be held on the **Madeira Feast Grounds (88 Tinkham Street)**, located on **Madeira Avenue**; and to be held **Thursday, August 3, 2017 from 6:00 p.m. until 11:45 p.m., Friday, August 4, 2017 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 5<sup>th</sup> & 6<sup>th</sup>, 2017 from 12:00 p.m. until 11:45 p.m.**

**18c. APPLICATIONS**

**Club Sports Madeirense - S.S. Sacramento, Inc. Paul LeConte, President** requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '102<sup>nd</sup> Feast of the Blessed Sacrament' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held **Thursday, August 3, 2017 from 6:00 p.m. until 11:45 p.m., Friday, August 4, 2017 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 5<sup>th</sup> & 6<sup>th</sup>, 2017 from 12:00 p.m. until 11:45 p.m.**

**VOTED:** Commissioner Almeida made a motion to take up Items 18b & 18c at one time; and to wave the reading and to approve the applications as presented. – **Unanimous**

**19a. Meeting: Club Sports Madeirense, Inc.**

**Mr. Richard Fernandes, President**  
**1624-1632 Acushnet Avenue**

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **103<sup>rd</sup> Feast of the Blessed Sacrament (August 3<sup>rd</sup> – 6<sup>th</sup>)**. The meeting will include Capt. Adelino Soares, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

**Present: Richard Fernandes and John Fernandes, Officers of the Club; Capt. Adelino Sousa, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.**

Mr. Fernandes stated that they **would be applying** for a special license for the outside area behind the Club, with the same hours and procedures in place as they have in the past, with **one exception, they will not be applying for a license for Thursday night.**

Responding to further questions from Chairman Beauregard, Mr. (Richard) Fernandes stated that all the alcohol would be served in plastic cups; and that the Board of Directors would be monitoring the outside area to ensure that no alcohol leaves the area. He also stated that they would have some light entertainment as they have done in the past on Friday, Saturday, and Sunday for 3 or 4 hours. He also stated that the club locks its doors at 11:45 p.m. and that they do not let anyone else in.

- **Will Apply for a Special License for Three (3) Days with the following hours: Fri. – 6:00 P.M. – 11:45 P.M. Sat. & Sun. 1:00 P.M. – 11:45 P.M. to be used in 'Club' Parking Lot.**

- **All Alcohol Must Be Consumed** within the parking lot and no alcohol should be allowed on the premises and no alcohol should be allowed off the premises.
- **'Club Security'** will be provided to insure **all Rules & Regulations** with regard to the consumption of alcohol will be enforced.

#### **19b. APPLICATION**

**Club Sports Madeirense, Inc., Richard Fernandes, President**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser' to be held in the 'Club – Parking Lot', located at **1626 Acushnet Avenue**; and to be held **Friday, August 4, 2017 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 5<sup>th</sup> & 6<sup>th</sup>, 2017 from 12:00 p.m. until 11:45 p.m.** \*\*\* **NOTE: Thursday night has been eliminated this year.** \*\*\*

**VOTED:** Commissioner Almeida made a motion to waive the reading, and to approve the application as presented. –  
**Unanimous**

#### **20a. Meeting: Panthers Athletic & Social Club, Inc.**

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

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **103<sup>rd</sup> Feast of the Blessed Sacrament (August 3<sup>rd</sup> – 6<sup>th</sup>)**. The meeting will include Capt. Adelino Soares, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

***Present: Jeffrey W. Baker, Manager along with Gary Wunschel, Club Officer; Capt. Adelino Sousa, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.***

Mr. Baker stated that they **would be applying** for a special license for the parking lot area next to the Club, with the same hours and procedures in place as they have in the past; and that they were aware that alcohol is not to be allowed out of or into the club, and that they would once again have security at all entrances/exits.

- **Will Apply for a Special License for Four (4) Days** with the following hours: Thurs. & Fri. – 6:00 p.m. – 11:45 p.m. Sat. & Sun. 12:00 p.m. – 11:45 p.m. to be used in 'Club' Parking Lot. (**Closing Lot at 11:00 p.m. & Alcohol will not be allowed in the Parking Lot after 11:00 p.m.)**)
- **All Alcohol Must Be Consumed** within the parking lot and no alcohol should be allowed on the premises and no alcohol should be allowed off the premises.
- **Signs Must Be Posted** stating that **'No Alcohol'** is allowed in or out of the premises; and that **Barrels** will be set up at all exits to help enforce alcohol **from leaving** certain points.
- **'Club Security'** will be provided to insure **all Rules & Regulations** regarding the consumption of alcohol will be enforced.
- **The doors to the club will close at 11:30 p.m. with no one allowed in after the doors close.**

#### **20b. APPLICATION**

**Panthers Athletic and Social Club, Inc. Jeffrey Baker, Manager** who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a "Fundraiser" to be held in the **Club – Parking Lot**, located at **43 Madeira Avenue**; and to be held **Thursday, August 3, 2017 from 6:00 p.m. until 11:45 p.m., Friday, August 4, 2017 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 5<sup>th</sup> & 6<sup>th</sup>, 2017 from 12:00 p.m. until 11:45 p.m.**

**VOTED:** Commissioner Almeida made a motion to waive the reading, and to approve the application as presented. –  
**Unanimous**

#### **21. Meeting: Clube Ponta Delgada, Inc.**

**Ms. Kristen J. Stephens, Manager**  
**61-65 Madeira Avenue**

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **103<sup>rd</sup> Feast of the Blessed Sacrament (August 3<sup>rd</sup> – 6<sup>th</sup>)**. The meeting will include Capt. Adelino Soares, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

***Present: Kristian Stephens, Manager along with Eric Stephens, President; Capt. Adelino Sousa, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.***

Ms. Stephens stated that they **would not be applying** for a Special License and that the club **would be closing at 11:30 p.m.** as they have done in the past; and that they would have security at both the front door and back door, as well as having additional security personnel on the inside; and that they would be using only plastic cups during the feast weekend. He also stated that they would not be offering any entertainment that weekend.

The Board also reminded the licensee that they are not allowed to offer reduced drink prices for that weekend, which has occurred in the past; and that no one should be allowed in or out of the Club with alcohol.

## **22. Meeting: Society of Senhor DaPedra, Inc.**

**Mr. Viriato M. Teves, Manager**  
**81 Tinkham Street**

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **103<sup>rd</sup> Feast of the Blessed Sacrament (August 3<sup>rd</sup> – 6<sup>th</sup>)**. The meeting will include Capt. Adelino Soares, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

***Present: Viriato Teves, Manager along with Mario Almeida, President; Capt. Adelino Sousa, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.***

Mr. Almeida stated that they **would not be applying** for a special license, and that they did not plan to do anything outside of the premises during this event. He went on to state that he was going to use plastic cups only during this event to prevent anybody from hiding and walking out with bottles. He also planned to have people working the door to make sure no one enters or exits with alcohol; and the 'Club' planned to close at 11:30 p.m., as they've done in the past.

Mr. Almeida also stated that they **would be applying for a Police Detail.**

## **23. Meeting: Saint Michael Social Club, Inc.**

**Mr. Nelson Tavares, Manager**  
**101 Madeira Avenue**

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **103<sup>rd</sup> Feast of the Blessed Sacrament (August 3<sup>rd</sup> – 6<sup>th</sup>)**. The meeting will include Capt. Adelino Soares, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

***Present: Nelson Tavares, Manager; Capt. Adelino Sousa, Liaison to the Licensing Board and Capt. Thomas Flood, Detail Officer for Special Events.***

Mr. Tavares stated that the club would follow what they've done in the past and that they do not have anything planned for either the inside or the outside of the club; and that only the bar would be open.

- That they **would not be applying** for a special license, and that they did not plan to do anything outside of the premises during this event.
- That they would be using plastic cups only during this event to prevent anybody from hiding and walking out with bottles.
- That they planned to have people working the door to make sure no one enters or exits with alcohol; and the 'Club' planned to close the doors at 10:00 p.m. each night.

**VOTED: Commissioner Almeida made a motion to remove items 24 & 25 from the table; and to take up both matters at this time. – Unanimous**

Tabled at 05/22/17 Meeting24. Hearing: Emerald Partnership Ltd. d/b/a New Bedford Inn & SuitesDr. Satish Sharma, President500 Hathaway Road**Re: Licensing Board Regulation # 6**

As you are aware, your business is currently operating without an approved manager and thus, **you were informed by this Board that you have until May 8, 2017 to re-submit an application for a new manager.** Your failure to comply will find you in violation of MGL Chapter 138 (S12 & 23) and Licensing Board Regulation #6 which would require the Board to take additional action.

As a reminder, while your liquor license is in our possession alcohol may not be stored, served, sold or consumed on the premises; **and at no time is alcohol allowed to be brought onto the premises by your guests.**

Additionally, it has been brought to the Board's attention that there have been several incidents at this location requiring police involvement. **As a result, you are also hereby notified that you are required to appear before this Board.**

Should you need assistance in preparing your application, please feel free to contact our office.

Minutes of 05/22/17 Meeting

**05/09/17** – A Written Request was received from Dr. Sharma stating that he will be away on May 22, 2017, thus unable to attend the hearing, with a request for another date to be given. (On File)

**Voted:** On a motion by Commissioner Almeida the Board **voted unanimously to receive the written request and to place it on file and to table items 33 & 34 until this Board's June 26<sup>th</sup> meeting.**

**Present:** *Dr. Satish Sharma, President/Owner along with Kathy M. Dehner, Proposed New Manager; Danny Romanowicz, Commissioner of Buildings*

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 receive the report and place it on file.**

The Board voiced their concerns regarding the number of calls to service regarding numerous incidents that are occurring in the motel's rooms, which are listed on the license as part of the licensed premises; the Board also voiced their concerns regarding the lack of not having proper management in place, which they hoped would be addressed with the possible approval of Ms. Dehner as the new manager. The Board also discussed certain matters regarding the status of the facility with input from Mr. Romanowicz.

Dr. Satish stated that his plan is to re-open the food and bar area by the end of September.

**The following written decision in part was issued to the licensee on 08/10/17**

Per your hearing of June 26, 2017 regarding police complaints involving your establishment, the Board after hearing your plans moving forward, ultimately voted unanimously to receive and place the report(s) on file.

A vote to approve Ms. Kathy Dehner as the new manager was approved at this meeting.

In discussion, the Board suggested that you file an application for a change of description eliminating the hotel rooms and pool area from the licensed premises and only the lounge and function room would be areas where alcohol can be served and consumed. Your immediate attention to this matter would be greatly appreciated.

Tabled at 05/22/17 Meeting**25. PETITION - Trans. #00082-HT-0778 – Plot # 94--2**

**Emerald Partnership, LTD d/b/a New Bedford Inn & Suites, 500 Hathaway Road, is requesting the approval of Kathy M. Dehner, who resides at 1259 Rockdale Avenue, N. B, MA. as their new manager.**

**Present:** *Dr. Satish Sharma, President/Owner along with Kathy M. Dehner, Proposed New Manager*

Responding to questions from Chairman Beauregard, Ms. Dehner stated that her experience probably goes back to the 70's, adding that she bartended at many places over the years; as well being an assistant manager at the Hawthorn Country Club. She also stated that she was currently a shift manager at the Greasy Luck Brewery in New Bedford, adding that she's sure that she has more than enough experience to handle this type of facility.

When asked by Chairman Beauregard as to how many hours she planned to be on site, Ms. Dehner replied, at the start not too many but she was sure that it would work up to a full time job.

**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; along with the stipulation that Ms. Dehner submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of opening 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. – **Unanimous**

**Note:** Upon the approval of Ms. Dehner as the new manager, Chairman Beauregard informed Dr. Sharma and Ms. Dehner that the liquor license would be returned back to them, once the ABCC Approval has been received, which could take two to three weeks, as long as there are no outstanding DUA or DOR issues.

**26. Hearing: Barker's Lane, Inc. d/b/a The Garden Restaurant & Bar**

**Mr. Charles E. Lajoie, Jr., Manager**

**32 Barker's Lane**

**Your presence** is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations; the Board will also review the ongoing calls to service to your establishment as reported by the N. B. Police Department, as well as reviewing the day to day management of the premises, especially on weekend nights. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

They are as follows:

**MGL Chapter 138, sec. 63A-**

Any person who hinders, delays, and/or refuses to provide information to and/or refuses to admit entrance to any ABCC investigator or authorized agent of the local licensing authority in the performance of his or her duty may be punished by a fine of \$50.00 - \$200.00 or by imprisonment for not more than two (2) months or both.

**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 Regulation No. 6, 10, 11, 12, 24-**

Each corporate licensee shall appoint a manager (by a properly authorized and executed written delegation) who shall have full authority and control of the premises, and who shall be satisfactory to the Board, and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing; 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, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe; There should be no disorder on the premises or areas connected therewith.

**Summary of Incident Reports**

Police Department Incident Report states that Police Officers received a call about a possible stabbing at the Garden Restaurant & Bar, located at 32 Barker's Lane. Upon arrival, officers observed a fellow officer taking out his medical bag and getting ready to render aid to a male bleeding profusely from his lower back side. According to a female witness, the victim was only trying to help separate two other males that had been fighting outside the Garden Bar, and she witnessed one of the males forcefully stab the victim in the lower back. When questioned by the officers, the staff at the Garden Bar was uncooperative and did not assist with any information that could help identify the suspect male in any way although he was observed to be a patron inside the bar on this night. The reporting officer's first conversation was with a male who continued to ask why he needed to ask questions since according to him: "it didn't happen in here, it didn't happen inside, it happened out there." The officer noted in his report that he was rude and reluctant to give him any further information. When the officer asked all present if anyone had the number of the person who could access the camera system, and after getting no response; the Reporting Officer noted in his report that he was getting the impression that the staff at the Garden did NOT want anything to do with this incident or did not want to get involved in any way by evading and NOT answering any questions related to this incident.

The Reporting Officer then told the staff that this was an ongoing investigation and that detectives would be there soon, and that they may wish to speak to them; at which point two male staff members stated that there was an issue inside with two males, nothing serious they said, but (earlier, unrelated to the stabbing) that they had asked them to go outside and they did. When asked by the Reporting Officer if anyone remembers the victim who was stabbed outside, if he had been drinking inside, they both said yes and then he went outside, and that's all they could recall.

The Reporting Officer then went back outside through the Barker's Street exit to relay some of this information, and by the time the detectives arrived on the scene, the detectives noticed that the lights were off inside and the staff had left through the front entrance to Union Street; at which point there was no access to the establishment, and there was notice given by the staff they were securing and getting ready to leave; this after being told earlier by the Reporting Officer that this is an ongoing investigation and that detectives would be there soon, and that they may wish to speak to them.

**Date and time of alleged violations: Sunday, April 23, 2017 @ approximately 2:01 a.m. - Police Report # 17-4583-OF & the Supplemental Report)**

**Present: Atty. Christopher T. Saunders along with George L'Heureux, Owner; Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd. along with Officer Abraham Nazario, the Reporting Officer**

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 receive the report and place it on file.**

Atty. Saunders opened the hearing by stating the manager of record has been sick and has been sick for quite a long time, and therefore, he was unable to attend tonight's meeting; adding, that it was the intention of the owner to submit a new manager for approval in time for next month's meeting.

The Board voiced their concern regarding the increase in incidents on or about the premises recently, some of which have been serious in nature. The Board also voiced their concern that there has not been proper management in place, especially on Thursday, Friday, and Saturday nights, and recommended that new manager be put in place that will be an on hands manager. The Board also discussed ownership issues that were raised by the Director of Licensing (Mr. Nanopoulos).

**The following written decision in part was issued to the licensee on 08/10/17**

Per your hearing of June 26, 2017 regarding police complaints involving your establishment, the Board after citing their concerns regarding inadequate management, ultimately voted unanimously to receive and place the report(s) on file.

That said, Commissioner Almeida voiced his concern about the lack of co-operation from the staff as well as having proper management on site. Being aware of the current management situation, the Board strongly advised that a change of manager be submitted as soon as possible.

The Board elected to take no further action with the understanding from Counsel and Mr. L'Heureux, that the management and ownership issues would be immediately addressed.

**27. Hearing: Barker's Lane, Inc. d/b/a The Garden Restaurant & Bar**

**Mr. Charles E. Lajoie, Jr., Manager**

**32 Barker's Lane**

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

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

**ACTION TAKEN: NONE**

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

**Mr. Jose G. Borges, Jr. Manager/Owner**

**289 Acushnet Avenue**

**License Was Re-Issued On 04/10/17**

**Your presence** is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel 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 Regulation No. 11, 12-**

Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

**Summary of Incident Reports**

Police Department Incident Report states that Officers were dispatched to 289 Acushnet Avenue as a result of a neighbor's complaint of possibly hearing gun shots (7) being fired emanating from this location.

During their investigation of the perimeter of the Euphoria Lounge, Officers found four (4) .380 shell casings in front of the building, along with what seemed to be blood and three (3) earrings near where the casings were found; which was the area described by the complainant where she saw two females arguing.

The reporting officer stated that he spoke to the owner and security who re-stated that they did not hear any gun shots; and that at the time this happened everyone was out of the establishment. The Officer also noted in his report that this was the second time in less than two weeks that there have been shots fired at this location.

**Date and time of alleged violations: Sunday, May 7, 2017 @ approximately 2:11 a.m. - Police Report # 17-5229-OF**  
**Present: Jose Borges, Jr.; Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd. along with Officer Abraham Nazario, the Reporting Officer**

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 receive the report and place it on file.**

Chairman Beauregard voiced his concern regarding the uptick of incidents in that area, since the re-opening of the establishment, which was a view that was shared by Capt. Sousa on behalf of the officers that patrol in that area. Chairman Beauregard informed Mr. Borges that the Board would not allow an increase of incidents to go unchecked, and that they would not allow him to go where he was prior to the fire.

**The following written decision in part was issued to the licensee on 08/10/17:**

Per your hearing of June 26, 2017 regarding police complaints involving your establishment, the Board, after cited their concerns regarding in adequate management, ultimately voted unanimously to receive and place the report(s) on file.

I indicated that there have not been any problems in the area of your establishment while you were closed and two out of the first three weeks since reopening, there have been reported shootings and disturbances. It was suggested that you take a hard look at your business plan because we are not going to allow you to go down the road to where you were before.

I would suggest you provide adequate security both inside and outside your establishment while making sure your cameras are operational at all times.

- **CORRESPONDENCE**

**From: Ralph Sacramone, Executive Director** **Dated – 05/01/17 Received –05/01/17**

**Re: Quick Stop Convenience, Inc.** **2344 Acushnet Avenue**

**Notice of Hearing Date: Wednesday, June 28, 2017 @ 1:30 p.m.;** an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 2344 Acushnet Avenue.

**From: Ralph Sacramone, Executive Director** **Dated – 05/23/17 Received –05/26/17**

**Re: J.A.C. Fine Wines & Spirits, Inc. d/b/a Friendly Liquors** **1567 Acushnet Avenue**

**Notice of Hearing Date: Tuesday, July 25, 2017 @ 11:00 a.m.;** A hearing will be held by the Alcoholic Beverages Control Commission to determine whether the *Licensee* violated certain provisions of M.G. L. and Code of Massachusetts Regulations (CMR) as follows: 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 sec; 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

**Date of Alleged Offense: Saturday, May 13, 2017 at approximately 4:05 p.m.**

**In City Council January 12, 2017** **Received 06/08/17**

The undersigned Union Auto Towing, Inc., Maximiliano Galvan, President, 649 Mt. Pleasant Street petitions the City Council to grant a SPECIAL PERMIT to allow Auto Sales & Repairs.

IN CITY COUNCIL, July 21, 2016

Special Permit Granted

Presented to the Mayor for approval July 25, 2016

Approved August 1, 2016

Dennis W. Farias, City Clerk

Dennis W. Farias, City Clerk

Jonathan F. Mitchell, Mayor

**ACTION TAKEN:** Received All The Reports & Placed Them 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. Hungry Whale	#17 – 1433 – AR	05/19/17	Drug Activity

(Approximate Time of Violation 9:00 p.m.)

**Decision:** The Board voted unanimously to receive the report and place it on file.

- |                   |                 |          |   |
|-------------------|-----------------|----------|---|
| 2. Whiskey Lounge | #17 – 6208 – OF | 05/26/17 | Disturbance/Patrons<br>Fighting/Shots Fired<br>(Approximate Time of Violation 12:25 a.m.) |
|-------------------|-----------------|----------|---|

**Decision:** Bring In For a Hearing – 07/24/17

- |                                  |               |          |  |
|----------------------------------|---------------|----------|--|
| 3. Rookie's Bar & Grill<br>"New" | #17 – 6973-OF | 06/11/17 | Disturbance/Loud<br>Music/ Failure To<br>Co-Operate With Police<br>(Approximate Time of Violation 1:24 a.m.) |
|----------------------------------|---------------|----------|--|

**Decision:** The Board voted unanimously to receive the report and place it on file with a Letter of Warning.

• **CHANGE PG OFFICERS & DIRECTORS APPLICATIONS REQUIRED** *(For Review Only)*

1. Irmandade Do Divino Espirito Santo Do Pico, Inc.
2. Our Lady of Angels Band, Inc.
3. Portuguese American Athletic Club of Greater N. B., Inc. – "Responded"
4. The Washington Social and Musical Club, Inc.
5. Wamsutta Club, Inc. – "Responded"
6. Young Cape Verdean Athletic Association, Inc.

**ACTION TAKEN:** Notices sent out on 06/09/17 to contact the Licensing Board Office within five (5) days of receipt of notice, which was hand delivered to each club.

• **INACTIVE LICENSES TO BE REVIEWED IN JULY** *(For Review Only)*

1. Dublin's Sports Bar N Grille, LLC – CVAA – Business/License For Sale
2. Hibernia Brew Pub (Carrig, Inc. d/b/a) – CVAA – License For Sale – Closed 05/17/17
3. Lebanese Kitchen (Nabih Moujabber d/b/a) – CV W & M – Sale Pending – **Application Expected In July**
4. Portugal Verde Soccer Academy, Inc. – GOP W & M – Renovations
5. Royal II (Albert Santos d/b/a) – GOP – Business & License For Sale
6. Trio Restaurant (161 Highland Avenue, Inc. d/b/a) – CVAA – Business & License For Sale
7. Union City (Ramon D. Silva Enterprises d/b/a) – CVAA – License Only For Sale
8. Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a) – CVAA – Renovations/Re-Opening February 1, 2017

• **Upcoming Summer Events & Festivals** *(For Review Only)*

- Cape Verdean Day Parade – July 1<sup>st</sup> – "Licenses Applied For – No Changes"
- New Bedford Folk Festival – July 8<sup>th</sup> & 9<sup>th</sup> – "License Applied For – New Set Up - Approved"
- New Bedford Food Truck Festival – July 15<sup>th</sup> – "New Set Up - Approved"
- Summer Concert Series – July thru Sept. – "Licenses Applied For – No Changes"
- Feast of the Blessed Sacrament (Madeira Feast) – Aug. 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup>  
(June Meeting)
- **12<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup>**



- **NEXT TWO MEETING DATES:** July 24<sup>th</sup> & August 28<sup>th</sup>, both on Mondays, in Ashley Room (120) – **Confirmed**
- **MEETING ADJOURNED:** 8:30 p.m.

**PRESENT:** Steven A. Beauregard, Chairman

Marcelino "Sonny" G. Almeida, Commissioner

City Council

Edmund F. Craig, Jr., Commissioner

Atty. Kreg Espinola, Asst. City Solicitor

Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

**APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:****Change of Beneficial Interest from an Individual to a Corporation - Trans. # 02680-GP-0778- Plot # 119--13**

Jere A. Espejo d/b/a Shooters Pub, Jere A. Espejo, Sole Owner (Individual), who is requesting a **Change of the Legal Structure of the General on Premise Wine & Malt Only Beverages license to Shooter's Pub, Inc.(Corporation); and a Change of Beneficial Interest from an Individual to a Corporation.** Upon approval, Jere A. Espejo will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100 %); and Jere A. Espejo will remain as the **Manager**. Premise will remain the same at **2112 Acushnet Avenue.**

**Approved By ABCC – 07/05/17****Change of Officer, Director, Stockholder, & Transfer of Stock - Trans. # 00043-RS-0778- Plot # 112—142**

A & E Jacinto, Inc. d/b/a Bom Appetite, Antonio Jacinto, President, who is requesting a **Change of Officer, Director, Stockholder, and a Transfer of Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License.** Antonio Ferreira is petitioning to allow the transfer of all his corporate shares (100 Shares); and to accept his resignation as Treasurer, Co-Director, and Co-Stockholder in the corporation. Upon approval, Antonio Jacinto will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%). **Antonio Jacinto** will also remain as the **Manager**.

Premises will remain the same at **703 Belleville Avenue.****Approved By ABCC – 07/21/17****VOTED:** Commissioner Almeida made a motion to accept the approvals from the ABCC and place them on file. –**Unanimous****1. PETITION - Trans. #00174-PK-0778- Plot # 18--107**

People's Super Liquor Stores, Inc. d/b/a Douglas Wine & Spirits, 446 Dartmouth Street, is requesting the approval of **Michael J. Duclos**, who resides at **94Wampanoag Trail, Riverside R.I., as their new manager.**

**Present: Michael J. Duclos, Proposed New Manager**

Responding to questions from Chairman Beauregard, Mr. Duclos stated, I've been a store manager for close to four years ... I've been in about close 8 to 10 stores throughout Rhode Island and Massachusetts ... I've served as an assistant manager throughout my career ... and now I'm working in the New Bedford store.

When asked by Chairman Beauregard if he was T.I.P.S. Certified, Mr. Duclos stated that he was and that it was store policy that all employees be certified 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. Duclos 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 employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

**2. PETITION - Trans. # 00230-CL-0778- Plot # 119--7(No Representation Required)**

**Irmandade do Divino Espirito Santo Do Pico, Inc., Fernando Lima, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Fernando Lima will be the President and a Co-Director, Jose M. Lima will be the Vice-President and a Co-Director, Maria L. Lemos will be the Treasurer and a Co-Director, and Fatima DaFonte will be the Secretary and a Co-Director; and Almerinda Costa, Maria C. Medeiros, Maria Neves, and Jose Xavier will all be Co-Directors, as well.

Premises will remain the same at **2056 Acushnet Avenue.****(No Advertisement nor Abutters Notification Required)**

### **3. PETITION - Trans. # 00056-CL-0778- Plot # 46—6 (No Representation Required)**

**Wamsutta Club, Inc. Robert G. Morris, (New) President** who is petitioning for a **Change of Officers and Directors on 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, Robert G. Morris will be the President, Charles Demailey Jr. will be the Vice-President, John Fernandes will be the Treasurer, and Anne Eades will be the Secretary; and Dr. J. Greer McBratney, Nancy Crosby, Jules Ryckebusch, Richard Dow, and Peter S. Barney (Immediate Past President) will all be Co-Directors. Premises will remain the same at **427 County Street**.

*(No Advertisement nor Abutters Notification Required)*

### **4. PETITION - Trans. # 00085-CL-0778- Plot # 93--210—6 (No Representation Required)**

**Portuguese American Athletic Club of Greater New Bedford, Inc., Arlindo Moura, 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, Arlindo Moura will be the President, Manuel dos Santos will be the Vice-President, Jose Ribeiro will be the Treasurer, and Rosangela Ribeiro will be the Secretary; and Joao Marcal, Jose Ferreira, Marcel Vieira, and Domingos Adao will all be Co-Directors. Premises will remain the same at **56 Holly Street**.

*(No Advertisement nor Abutters Notification Required)*

### **5. PETITION - Trans. # 00072-CL-0778- Plot # 14—198 (No Representation Required)**

**Washington Social & Musical Club, Inc., Kenneth Kendall (New) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses.

Upon approval, Kenneth Kendall will be the President, Stephanie McKnight will be the Vice-President, Stephanie Mitchell will be the Treasurer, and Joyce Abbott will be the Secretary; and Mark Blanchard, Kevin Blanchard, Blaine Hopwood, William O'Brien, Jr., Brian Lowe, Scott R. Boutin, Mel Chase, Fred Caton, and Jon Marinelli will all be Co-Directors. Premises will remain the same at **90 David Street**.

*(No Advertisement nor Abutters Notification Required)*

### **6. PETITION - Trans. #00141-CL-0778- Plot # 25-A-25 (No Representation Required)**

**Young Cape Verdean Athletic Association, Inc. Donald Soares, President**, who is petitioning for a **Change of Officer & 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, Donald Soares will be the President, Blaine Ferguson will be the Vice President, Mary Barrett-Maciell will be the Treasurer, and John L. Maciell will be the Secretary; and Bonaventura J. Barboza, III, Paul Massey, Jose Jorge, and Maria Wanyoike will all be Co-Directors. Premises will remain the same at **418 South Front Street**.

*(No Advertisement nor Abutters Notification Required)*

Mr. Nanopoulos informed the Board that these transactions (**Item #'s 5-6**), were simply yearly changes of officers and directors, on not for profit clubs.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to approve all the petitions as presented (Item #'s 5-6)**, and to forward all the applications to the Alcoholic Beverages Control Commission for their approval.

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 7-18** at one time; waive reading; and approve the applications as presented – **Unanimous**

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

**New Bedford Festival Theatre, Inc., Armand R. Marchand, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'After Show Opening Night Reception' to be held at the **UMD Star-Store Gallery**, located at **800 Purchase Street**; and to be held on **Friday, July 21, 2017 from 10:00 p.m. until 11:45 p.m.**

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

**Immigrants' Assistance Center, Inc., Helena S. Martins, Executive Director**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a 'Fundraiser' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held on **Thursday Aug. 10, 2017, from 7:00 p.m. until 10:00 p.m.**  
**\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**Buttonwood Park Zoological Society, Inc., Michelle Gomes, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Feast in the Wild Food Tasting Fundraiser', to be held within the **Buttonwood Park Zoo**; and to be held on **Thursday, August 10, 2017, from 6:00 p.m. until 10:00 p.m. (Liquor Liability with the City named as additionally insured on certificate is required/along w/Copy of the Police Detail Contract)** **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an "Urban Soiree Fundraiser", to be held at the **Mariner's Home**, located at **15 Johnny Cake Hill**; and to be held on **Thursday, August 17, 2017, from 5:30 p.m. until 7:30 p.m.**

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

**N. B. Women's Center, Inc., Pamela Macleod-Lima, Applicant**, who is requesting approval of an application for a **Special One Day Wine & Malt Beverages License** for a "Music on the Veranda Fundraiser", to be held at the **N.B. Women's Center** located at **405 County St.**; and to be held on **Friday, August 18, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**Cynthia Medeiros, Applicant**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Retirement Party", to be held at **Ft. Taber Community Center**; and to be held on **Saturday, August 19, 2017, from 5 :00 p.m. until 10:00 p.m.**

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

**Society of Senhor Da Pedra, Megan DaRosa, Feast President** who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser/ A Feast of Senhor Da Pedra' to be held on the **Madeira Field – Stands 1 & 2**, located on **Madeira Avenue**; and to be held on **Friday, August 18, 2017 from 6:00 p.m. until 11:45 p.m., Saturday, August 19, 2017 from 6:00 p.m. until 11:45 p.m., and Sunday, August 20, 2017 from 2:00 p.m. until 11:00 p.m. (Final approval will require Liquor Liability and a copy of the Police Detail Contract)**  
**\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**Prince Henry Society, Manuel Pereira, Representative** who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '8<sup>th</sup> Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 26, 2017, from 6:00 p.m. until 11:00 p.m.**

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

**Melissa Rodrigues & Zerisenai Sahle, Applicants**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Wedding Reception", to be held at **Ft. Taber Community Center**; and to be held on **Sunday, August 27, 2017, from 6 :00 p.m. until 10:00 p.m.**

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

**Cheryl Jacobs, Applicant**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Wedding Reception", to be held at **Ft. Taber Community Center**; and to be held on **Saturday, September 9, 2017, from 3 :00 p.m. until 8:00 p.m.**

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

**Bernadette Furtado, Applicant**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a "50<sup>th</sup> Birthday Party", to be held at **Ft. Taber Community Center**; and to be held on **Saturday, September 23, 2017, from 12 :00 p.m. until 10:00 p.m.**

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

Downtown New Bedford, Inc., Devin Tillman, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '12<sup>th</sup> Annual New Bedford Seaport Chowder Festival', to be held on Pier 3; and to be held on Sunday, October 8, 2017 from 12:00 p.m. until 5:00 p.m.

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

**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 06/26/17 Meeting*

**19. APPLICATION (Special Permit Has Been Approved/"NEW LOCATION")**

Maximiliano M. Galvan, who resides at 240 State Street, N.B. MA., is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for Union Auto Towing, Inc. d/b/a Union Auto Towing #3, with premises situated at 649 Mt. Pleasant Street. Upon completion of renovations, plans indicated site will be used for car sales and repairs; Total amount of cars for display will be determined by Inspectional Services.

Final approval of the Motor Vehicle Class II License will require a '**Certificate of Inspection** from the Office of Inspectional Services, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

**Present:** Atty. Richard Manning, who was present representing Mr. Galvan.

Responding to questions from Chairman Beauregard, Atty. Manning informed the Board that this location would be the 3<sup>rd</sup> location owned by Mr. Galvan, if it were to be approved; adding that this location would used strictly as a place for auto sales with no repairs to done on the location.

Responding to further questioning, Atty. Manning stated that the repairs would be done at yet another new location that Mr. Galvan is in the process of purchasing on Mt. Pleasant Street, which he's currently going through the permitting process with the Office of Inspectional Services and the City Council.

Atty. Manning also reviewed the plans with the Board which showed the layout of the proposed building that was planned for this location and stated that the license would be picked up sometime in the spring of 2018, once the building is ready to go.

Atty. Manning also stated that their plan eventually was to turn his current Mt. Pleasant used car dealer center into a car rental business but he would use his current Class II license assigned to that location to buy new rental cars and sell off old rental cars.

**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 the amount of cars, as approved by Inspectional Services – **Unanimous**

**20. APPLICATION, (Special Permit Has Been Approved/Change of Ownership)**

Martha Perez, who resides at 777 County Street, N.B., MA., is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for Ebenezer Used Tires, Mechanical Work, and Used Car Sales, with premises situated at 1519 Purchase Street.

**Note:** Site was previously licensed to Universal Used Autos & Repairs, license was surrendered on 04/25/17; site was previously approved for the display of Ten (10) cars by the Office of Inspectional Services.

Final approval of the Motor Vehicle Class II License will require a '**Certificate of Inspection** from the Office of Inspectional Services, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

**Present:** No One Was Requested To Appear

Mr. Nanopoulos informed the Board that the applicant failed to submit some additional documents that were required to complete the application, therefore the matter should be tabled to the August meeting.

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 22; until the Board's August 28<sup>th</sup> meeting. – **Unanimous**

**21. Hearing: Our Lady Of Angels Band, Inc.**

**Mario J. Duarte, Manager**  
**1446-1452 Acushnet Avenue**

Your presence is requested at a hearing to be held to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1<sup>st</sup> deadline to submit a completed application updating your officers and directors as required by

the Alcoholic Beverages Control Commission.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2017 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

**Please contact this office immediately upon receipt of this notice for assistance with this matter.**

**Present: No one appeared as requested.**

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 21; until the Board's August 28<sup>th</sup> meeting. – **Unanimous**

**22. Hearing: Carrig, Inc. d/b/a Hibernia Brew Pub**

**Mr. Barry Flynn, Manager/Owner**

**109 William Street**

**Re: Closed 05/17/17**

**Prior Renewal Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

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

**Present: Barry Flynn, Manager/Owner**

Mr. Flynn stated that his name has already been added to the list of available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

**The following written decision in part was issued to the licensee on 08/08/17:**

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted to table the matter until the Board's January 2018 meeting and to approve your renewal for 2018 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 January 1, 2018 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.

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

**Mr. Philip C. Beard, Manager**

**672 - 674 Pleasant Street**

**Re: Closed 06/30/17**

**Prior Renewal Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

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

**Present: Philip C. Beard, Manager/Owner**

Mr. Beard stated that his name has already been added to the list available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

**The following written decision in part was issued to the licensee on 08/08/17:**

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted to table the matter until the Board's January 2018 meeting and to approve your renewal for 2018 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 January 1, 2018 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.

**24. Hearing: Madeira Cafe, Inc. d/b/a Madeira Cafe**

**Ms. Caroline DaCosta, Manager/Co-Owner**  
**70-76 Church Street**

**Re: Closed 06/30/17**

**Prior Renewal Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.**

**You are also required to bring in all your licenses issued by this office to this meeting if you have not already done so, which should include the following: your Liquor License, Common Victualler Restaurant License, Music License, Entertainment License, and your Automatic Amusement Device License.**

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: Caroline DaCosta, Manager/Owner**

Ms. DaCosta stated that her name has already been added to the list available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

**The following written decision in part was issued to the licensee on 08/08/17:**

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted to table the matter until the Board's January 2018 meeting and to approve your renewal for 2018 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 January 1, 2018 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.

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

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

**424 Nash Road**

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

**Prior Renewal Hearings: (5)**

Your presence is respectfully requested at a hearing at the request of the members of this Board to **determine if you are in full compliance to be issued your liquor license for 2017; failure to be in full compliance may require the Board to initiate its decision of 01/23/17, as stated below.**

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

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

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

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

**01/23/17 Written Decision:**

Per your recent hearing to determine the status of your annual liquor license, **this Board voted unanimously to revoke your General on Premise Wine and Malt Only Beverages License, however, the revocation has been set aside until the Board's July 24, 2017 meeting.**

The Board's decision was based on your failure to meet requirements as set forth by the Office of Inspectional Services and the Fire Department (M.G.L. Ch. 138, sec. 64-failure to comply with the Laws of the Commonwealth, To Wit: M.G. L. Chapter 138, section 77, Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, and local Building Code Regulations) in order for you to be issued your Occupancy Permit and 304 Fire Certificate. Both of these forms are required for you to receive your liquor license.

As you are aware, your license has been inactive since December 9, 2015. We understand your issues with Inspectional Services but unfortunately they are issues that are out of our control. That said, it is our responsibility to ensure that your license gets activated and it is for this reason that the Board set-aside the revocation for six months with the hope that you can resolve your building issues or to give you adequate time to sell the license.

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 with a copy submitted to this office.

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

Mr. Nanopoulos informed the Board that Mr. Furtado called him early in the day and informed him that he would not be able to attend tonight's meeting due to the fact that he was in the hospital.

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 25; until the Board's August 28<sup>th</sup> meeting. — **Unanimous**



**26. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty**  
**Mr. Shang Ying Zhao, Manager of LLC**  
**114-116 Nauset Street**

**Approved 06/03/14 – Renovations**  
**Prior Renewal Hearings: (7)**

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 120, on Monday evening, July 24, 2017 at 7:00 p.m.**, to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

**03/06/17 Written Decision:**

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, during which the Board considered your request for a 6 month extension to complete the ongoing renovations; **the Board voted unanimously to approve your request and to table the matter until this Board’s July 24, 2017 meeting.**

The Board’s decision was based on the written request submitted by Atty. (Chris) Markey on your behalf, in which he stated that due to some financial issues that arose because of some extra work that needed to be done, that some additional time would be needed to complete the renovations; adding that he believes that everything should be resolved within the next 6 months. If you are operational by July 24, 2017, you will not be required to appear as notified.

**Present: No one appeared as requested.**

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 26; until the Board’s August 28<sup>th</sup> meeting. – **Unanimous**

**27. 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: (4)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

If you fail to submit an application as requested, you will be required to appear before this Board once again, at which time the Board will consider revoking your license for non-use.

**04/25/17 Written Decision:**

As a result of the open hearing held on April 24, 2017 to determine the status of your annual liquor license for the year 2017, **this Board voted unanimously to table the matter until this Board’s June 26, 2017 meeting.**

The Board's decision was based on the information that you provided to the Board in which you stated that you were finalizing a lease to move your license to a new location; and that you planned to keep your license and operate the premises yourself. You were also instructed by the Board to submit a completed application in a sufficient amount of time, so that it may be placed on the June Agenda for consideration by the Board for approval.

***Please be advised that a completed application must be submitted by June 9, 2017 in order for it to be properly advertised. Should you need assistance in filing your application for a transfer of license, please contact this office at your earliest convenience.***

***Present: No one appeared as requested.***

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 26; until the Board's August 28<sup>th</sup> meeting. – **Unanimous**

**28. 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: (2)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

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

**11/21/16 Written Decision:**

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

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 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, 2016 to initiate one (1) of the following three (3) options prior to this date:**

- 4.) To be open and operating at the current location;
- 5.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 6.) 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.

**Present: Albert Santos, Manager/Owner along with Luis DaSilva, General Manager**

Mr. Santos stated that his name has already been added to the list available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

Chairman Beauregard informed Mr. Santos stated that he may have to separate the license from the building to sell it.

**The following written decision in part was issued to the licensee on 08/08/17**

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted table the matter until the Board's January 2018 meeting and to approve your renewal for 2018 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 January 1, 2018 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.

**29. Hearing: 161 Highland Avenue, Inc. d/b/a Trio Restaurant**

**Ms. Sandra Rodrigues, Owner**  
**418-420 Rivet Street**

**Closed – 11/13/16 Licensee Decision**

**Prior Renewal Hearings: (1)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

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

**01/23/17 Minutes:**

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

Mr. Nanopoulos informed the Board that he had spoken to Atty. Kehoe’s paralegal who stated that she was working on a transfer of license back to the owner of the building, and that it was their intention to hopefully have the application submitted in time for the February meeting but no later than for the March meeting.

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

Mr. Nanopoulos informed the Board that he’s working with Katherine Gaudreau who’s with Atty. Kehoe’s office and that he has the application already and he just has to review it; and that it will on next month’s agenda for consideration.

Mr. Nanopoulos inform the Board that no further action is required at this time.

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted that no further action be taken regarding this matter. – **Unanimous**

**30a. From: Bristol County Deputy Sheriff**

**Dated – 07/13/17 Received – 07/20/17**

**Re: Dublin’s Sports Bar N Grille, LLC d/b/a Dublin’s Sports Bar N Grille**

**1686 Acushnet Avenue**

**Notice of Writ of Attachment – On behalf of Acushnet Avenue 1680-1690 Realty Trust, in the amount of \$18,000.00**

**VOTED:** On a motion Commissioner Almeida, the Board voted unanimously to receive the notice and to place it on file. – **Unanimous**

**30b. Hearing: Dublin’s Sports Bar N Grille, LLC d/b/a Dublin’s Sports Bar N Grille**

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

**1686 Acushnet Avenue**

**Re: Closed 11/21/16 Licensee Decision**

**Prior Renewal Hearings: (2)**

Your presence is respectfully requested at a hearing to be held in this office to determine the status of your annual liquor license for the year 2017.

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

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

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

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

#### **02/26/17 Written Decision**

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, this Board, based on the information you provided in which you stated that you're still interested in selling your license and that there was one potential buyer currently negotiating a lease with the owner of the building and that the license would remain at the same location, **voted unanimously to table the matter until this Board's July 24, 2017 meeting.**

**An application for Transfer of License must be submitted as soon as possible but no later than Friday, July 7, 2017.**

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

Your license has been inactive since November 21, 2016 and you have been afforded ample opportunity to take action. **We strongly advise that you ensure that there are no outstanding issues with the DOR and DUA, so that the transfer application is not held up once it's submitted.**

**If an application for transfer is submitted by July 7, 2017, you will not be required to appear as notified.**

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

When asked by Chairman Beauregard as to what prompted the issuance of a Writ of Attachment on the license, Mr. Gomes stated that there was an issue with the eviction as a result of missing two month's rent, which was addressed in court; but I was unaware of the writ because they never served me.

Chairman Beauregard informed Mr. Duarte that he should have been served by the Sheriff's Office not by the Licensing Board Office, and that he would have to check with them; adding, since the license has an attachment, he would have to address that before he could sell that license.

Mr. Duarte responded by stating, I went to court for that this past Thursday ... it didn't get waived ... but it did get continued for three months.

Mr. Duarte stated that Atty. Joseph Michaud was working with the landlord to resolve some lease issues, in order for the license to be sold and have it remain at that location.

When asked by Chairman Beauregard if he's retained Atty. Michaud to represent him in this matter, Mr. Gomes responded, he's been the mediator ... he's the landlord's attorney ... we had one buyer but they couldn't agree on a lease ... so it fell through ... since last month ... he's been trying to push the landlord to just buy the license back ... I've been trying to work with them but it hasn't worked out ... although I have someone else interested in buying the license ... but I do have a counter suit against them ... so the judge gave us three months to work it out.

Mr. Duarte disputed that he owed them \$18,000.00 because there's a security deposit being held in the amount of \$6,200.00; adding that he only owes two month's rent.

Chairman Beauregard suggested that the matter be tabled for 3 months in order to give Mr. Duarte one last opportunity to move the license, to which Mr. Duarte requested a little more time to resolve this issue because if he did find a buyer, it would take some time to get an application processed.

Chairman Beauregard responded, I would suggest that if you got the process going ... and you come back in October ... you tell us that you got the process going ... we'll take that under advisement ... you don't need to have it sold by then ... but you'd better have a solid deal in place to sell the license.

#### **The following written decision in part was issued to the licensee on 08/08/17;**

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, this Board, based on the information you provided in which you stated that you're still interested in selling your license and that there was one potential buyer currently negotiating a lease with the owner of the building and that the license would remain at the same location, **voted unanimously to table the matter until this Board's October 23, 2017 meeting.**

**An application for Transfer of License must be submitted as soon as possible but no later than Friday, October 6, 2017.**

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

Your license has been inactive since November 21, 2016 and at our July meeting, I (Chairman Beauregard) indicated that you have been afforded ample opportunity to sell the license and strongly advised you to move this license accordingly to avoid this Board from having to take an adverse action.

**31. Hearing: Simba, Inc. d/b/a Whiskey Lounge**

— **Ms. Kristina Morrow, Manager/Co-Owner**  
**1669 Acushnet Avenue**

**Your presence** and that of **Kevin Sbardella, Bouncer**, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel 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 Regulation No. 11, 12-**

Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

**Summary of Incident Reports**

Police Department Incident Report states that Officers were dispatched to 1653 Acushnet Avenue as a result of a neighbor's complaint of possibly hearing gun shots (5) being fired emanating from this area; the shots were also recorded by Shotspotter. Upon arrival the Officers observed a large crowd of approximately 15 to 20 people outside of the Whiskey Lounge on the Tinkham Street side of the building. Upon seeing the Officers, the crowd immediately began to disperse with some going back into the bar, and others taking off on foot or in vehicles.

Upon entering the premises from the side door, the Officers observed 25-35 people inside and approximately 5 more people standing at the front door. The Officers talked to several people who kept stating that there was a fight between two females outside. The Officers also stated that the crowd was extremely uncooperative. Officers then located two witnesses who stated that an incident occurred inside the premises, and at some point a male exited the bar brandishing a firearm and fired 3 to 4 shots in the air.

Another female witness stated that she was inside the bar when another female approached her and they began to argue inside the establishment. The witness stated that she left and went outside at which point the other female followed her outside and they began to physically fight.

She also stated that someone from the bar took her identification and phone.

When asked by the Officers what had transpired prior to their arrival, the bouncer (Kevin Sbardella) stated that nothing had happened that he was aware of.

When asked if he had any knowledge of the fight that occurred outside or of the male that had left the Whiskey Lounge with a firearm, and firing it in the street, the bouncer insisted he had no knowledge of any incident that had occurred outside, and that he was standing at the front door for the last 15 to 25 minutes.

**Date and time of alleged violations: Friday, May 26, 2017 @ approximately 12:25 a.m. - Police Report # 17-6208-OF**

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

**Rec'd 07/12/17 – A written request by Atty. Gregory Longo to table the matter until the Board's August 28<sup>th</sup> Meeting, due to a scheduling conflict on this date.**

**VOTED:** Commissioner Almeida made a motion to receive the request and place it on file, and approve the request; and to table the matter to the Board's August meeting. – **Unanimous**

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

**Mr. Nanopoulos formally informed the Board that Atty. Longo, who is the legal counsel for the Whiskey Lounge, had called him earlier in the day, and also sent a follow-up e-mail requesting that the matter be tabled to the next meeting, due to the fact he would be unavailable this evening due to a prior commitment.**

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 31; until the Board's August 28<sup>th</sup> meeting. – **Unanimous**

• **CORRESPONDENCE**

**From:** Ralph Sacramone, Executive Director **Dated – 06/28/17 Received –06/28/17**  
**Re:** Quick Stop Convenience, Inc. **2344 Acushnet Avenue**  
**Notice of Hearing Date:** Thursday, October 12, 2017 @ 10:00 a.m. An appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 2344 Acushnet Avenue.  
**"NEW DATE"**

**From:** Ralph Sacramone, Executive Director **Dated – 06/28/17 Received –06/28/17**  
**Re:** Cork County, Inc. d/b/a Slainte Irish Pub **34 Union Street**  
**Notice of Hearing Date:** Tuesday, September 5, 2017 @ 11:00 a.m.; A hearing will be held by the Alcoholic Beverages Control Commission to determine whether the *Licensee* violated certain provisions of M.G. L. and Code of Massachusetts Regulations (CMR) as follows: 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 sec. 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.  
**Date of Alleged Offense:** Thursday, April 27, 2017 at approximately 11:55 p.m. **"3 Counts"**

**In City Council June 22, 2017** **Received 07/07/17**  
 The undersigned Maria Perez d/b/a Ebenezer Used Tires, Mechanical Works, and Used Car Sales, 1519 Purchase Street petitions the City Council to grant a SPECIAL PERMIT to allow Auto Sales & Repairs.  
**IN CITY COUNCIL, July 21, 2016**

**Special Permit Granted**  
**Presented to the Mayor for approval June 26, 2017**  
**Approved June 30, 2017**

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

**ACTION TAKEN:** Voted Unanimously To Receive & Place All the Correspondence on File.

• **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. County Street Liquors	#17-8252-OF	07/07/17	Selling Alcohol Prior To Allowed Starting Time (Approximate Time of Violation 7:00 a.m.)
"LATE FILE"	#17-89282-OF	07/21/17	Selling Alcohol Prior To Allowed Starting Time (Approximate Time of Violation 7:22 a.m.)

**Decision:** Bring In For a Hearing – 08/28/17

• **Upcoming Summer Events & Festivals (For Review Only)**

- Summer Concert Series – July thru Sept. – "Licenses Applied For – No Changes"
- Feast of the Blessed Sacrament (Madeira Feast) – Aug. 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup> – Approved On 06/26/17
- 12<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup> – "Licenses Applied For – No Changes"

• **NEXT TWO MEETING DATES:** August 28<sup>th</sup> & September 25<sup>th</sup> both on Mondays, in Ashley Room (120) - **Confirmed**

• **MEETING ADJOURNED:** 7:35 p.m.

**LICENSING BOARD MEETING****-MINUTES****Monday, August 28, 2017  
Ashley Room 120 – 7:00 p.m.****PRESENT: Steven A. Beauregard, Chairman****Marcelino "Sonny" G. Almeida, Commissioner***City Council***Edmund F. Craig, Jr., Commissioner****Atty. Kreg Espinola, Asst. City Solicitor****Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.****Nick Nanopoulos, Director****MOTION TO ACCEPT THE MEETING MINUTES OF March 27, 2017 - Unanimous****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:****Change of Officer, Director, Stockholder, and Transfer of Stock - Trans. # 00043-RS-0778– Plot # 112—142**

**A & E Jacinto, Inc. d/b/a Bom Appetite, Antonio Jacinto, President**, who is requesting a **Change of Officer, Director, Stockholder, and a Transfer of Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**. Antonio Ferreira is petitioning to allow the transfer of all his corporate shares (100 Shares); and to accept his resignation as Treasurer, Co-Director, and Co-Stockholder in the corporation. Upon approval, Antonio Jacinto will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%). **Antonio Jacinto** will also remain as the **Manager**.

Premises will remain the same at **703 Belleville Avenue**.

**Approved By ABCC – 07/12/17****Altering of Premises to Include the Entire 2<sup>nd</sup> Fl. & Sidewalk Seating - Trans. # 02829-RS-0778 - Plot # 52--92**

**Vault, LLC d/b/a Greasy Luck Brewery, Mark Martinho, Co-Manager of LLC**, who is petitioning for a **Change of Description (Addition To) of the Common Victualler (Restaurant) All Alcoholic Beverages License to include the entire 2<sup>nd</sup> Floor area** of the two-story building and an **outdoor 'Sidewalk Café' seating area**. The 4,254 sq. ft. 2<sup>nd</sup> floor area will include two (2) existing private function/dining rooms, and four (4) office spaces and seven (7) storage rooms (which may be used for expansion at a later date); as well as a liquor storage room and two (2) restrooms. The front private function/dining room (approx. 484 sq. ft.) will include a portable bar and seating for approx. 48 patrons. The back private function/dining room (approx. 837 sq. ft.) will also include a portable bar and seating for approx. 96 patrons. The 2<sup>nd</sup> floor area will be accessible by way of both an elevator and stairway located in the reception area on the main (1<sup>st</sup>) floor in the front of the building. There are also two additional emergency exits located in the rear of the 2<sup>nd</sup> Floor area, which leads to emergency exits on the 1<sup>st</sup> Floor. The 670 sq. ft. outdoor 'Sidewalk Café' area, which will be enclosed with a 2" Nautical Rope and Seven (7) Planters (2'x4' and 30" high), and will be used for seated dining purposes only. The enclosed area, which will include three (3) tables with seating for four (4) and three (3) tables with seating for two, which will allow for the seating of Eighteen (18) patrons, will be located on the east side (front) of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. There will be one entrance/exit that leads to the front door of the establishment. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The premises will remain numbered **791-797 Purchase 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 have been notified.*

**Approved By ABCC – 07/25/17****Change of Manager - Trans. #00082-HT-0778 – Plot # 94--2**

**Emerald Partnership, LTD d/b/a New Bedford Inn & Suites, 500 Hathaway Road**, is requesting the approval of **Kathy M. Dehner**, who resides at **1259 Rockdale Avenue, N. B, MA.** as their new manager.

**Approved By ABCC – 07/25/17****Change of Manager - Trans. #00174-PK-0778– Plot # 18--107**

**People's Super Liquor Stores, Inc. d/b/a Douglas Wine & Spirits, 446 Dartmouth Street**, is requesting the approval of **Michael J. Duclos**, who resides at **94Wampanoag Trail, Riverside R.L.**, as their new manager.

**Approved By ABCC – 07/27/17**

**Change of Officers & Directors - Trans. # 00085-CL-0778- Plot # 93--210--6**

**Portuguese American Athletic Club of Greater New Bedford, Inc., Arlindo Moura, 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, Arlindo Moura will be the President, Manuel dos Santos will be the Vice-President, Jose Ribeiro will be the Treasurer, and Rosangela Ribeiro will be the Secretary; and Joao Marcal, Jose Ferreira, Marcel Vieira, and Domingos Adao will all be Co-Directors. Premises will remain the same at **56 Holly Street**.

**Approved By ABCC - 08/08/17**

**Change of Officers & Directors (Not For Profit Club) - Trans. # 00056-CL-0778- Plot # 46--6**

**Wamsutta Club, Inc. Robert G. Morris, (New) President** who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Robert G. Morris will be the President, Charles Demailey Jr. will be the Vice-President, John Fernandes will be the Treasurer, and Anne Eades will be the Secretary; and Dr. J. Greer McBratney, Nancy Crosby, Jules Ryckebusch, Richard Dow, and Peter S. Barney (Immediate Past President) will all be Co-Directors. Premises will remain the same at **427 County Street**.

**Approved By ABCC - 08/08/17**

**Transfer & Change of Location - Trans. # 03550-RS-0778 (Old # (00014-RS-0778) - Plot # 47--41**

**P37, LLC d/b/a Pier 37, Ramon Silva, Authorized Person**, who on behalf of the **New Bedford Economic Development Council, Inc.** pursuant to an Order of the Bankruptcy Court, District of Massachusetts, Docket # 16-14367 (Dated 02/23/17); for a license currently issued at 37 Union Street, is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Franklin Hospitality Corporation, who is also requesting a Change of Location from 37 Union Street to 24 Union Street**. Upon approval, Richard L. Lafrance will be the President, Treasurer, Secretary, Sole Director, Sole Stockholder (100 %), and **Manager of the Liquor License**.

The proposed new location will have three (3) rooms, a stock room, a kitchen, and two restrooms in an area approximately 2,184 sq. ft., which is located on the first floor of a two-story building. The premises will have one (1) entrance/exit in the front of the building onto Union Street, and one (1) emergency exit on the south side of the building. The proposed licensed premise is situated on the southwest corner of Union and Front Streets, and will be **numbered 24 Union 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'**.

**Approved By ABCC - 08/09/17**

**Change of Officers & Directors (Not For Profit Club) - Trans. # 00072-CL-0778- Plot # 14--198**

**Washington Social & Musical Club, Inc., Kenneth Kendall (New) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses.

Upon approval, Kenneth Kendall will be the President, Stephanie McKnight will be the Vice-President, Stephanie Mitchell will be the Treasurer, and Joyce Abbott will be the Secretary; and Mark Blanchard, Kevin Blanchard, Blaine Hopwood, William O'Brien, Jr., Brian Lowe, Scott R. Boutin, Mel Chase, Fred Caton, and Jon Marinelli will all be Co-Directors. Premises will remain the same at **90 David Street**.

**Approved By ABCC - 08/09/17**

**Change of Officers & Directors - Trans. # 00230-CL-0778- Plot # 119--7**

**Irmandade do Divino Espirito Santo Do Pico, Inc., Fernando Lima, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Fernando Lima will be the President and a Co-Director, Jose M. Lima will be the Vice-President and a Co-Director, Maria L. Lemos will be the Treasurer and a Co-Director, and Fatima DaFonte will be the Secretary and a Co-Director; and Almerinda Costa, Maria C. Medeiros, Maria Neves, and Jose Xavier will all be Co-Directors, as well. Premises will remain the same at **2056 Acushnet Avenue**.

**Approved By ABCC - 08/15/17**



**Change of Officers & Directors - Trans. #00141-CL-0778- Plot # 25-A-25 "LATE FILE"**

**Young Cape Verdean Athletic Association, Inc. Donald Soares, President**, who is petitioning for a **Change of Officer & 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, Donald Soares will be the President, Blaine Ferguson will be the Vice President, Mary Barrett-Maciel will be the Treasurer, and John L. Maciel will be the Secretary; and Bonaventura J. Barboza, III, Paul Massey, Jose Jorge, and Maria Wanyoike will all be Co-Directors. Premises will remain the same at **418 South Front Street**.

**Approved By ABCC – 08/24/17**

**VOTED:** Commissioner Almeida made a motion to accept all the approvals from the ABCC and place them on file. –

**Unanimous**

**1. PETITION - Tr. #00031-GOP-0778– Plot # 23--9**

**161 Highland Avenue, Inc. d/b/a Trio Restaurant, Sandra S. Rodrigues, President** who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Antero L. Coelho d/b/a Antero's** Upon approval, **Antero L. Coelho will be the Sole Proprietor and Manager of the Liquor License**. The premises will remain the same as follows: The premises is located on the street level of a Three (3) story building, which includes One (1) dining room approximately 2,000 sq. ft. with a bar, Two (2) Handicapped Restrooms, and seating for approximately Eighty (80) people, a pastry shop, approximately 350 sq. ft., with seating for approximately Ten (10) people; there is also a full kitchen, approximately 650 sq. ft., with the storage of liquor in the basement. There are two (2) main entrances/exits; one (1) into the dining room from Rivet St. and one(1) into the Pastry Shop/Kitchen from Bolton St., and two (2) additional rear exits. The licensed premises also includes a 'Seasonal Outdoor Patio Area' approximately 430 sq. ft. (10' x 43') to be used as a 'Sidewalk Café', which is enclosed by a 4 ft. high resin fence with a decorative lattice panel design, and is to be used for seated dining purposes only. The enclosed area includes Ten (10) tables for the seating of Thirty – Two (32) patrons for dining only, as well as a Hostess Station; and is located on the east side of the building, which is contiguous to the licensed premises. The outdoor area is only accessible by way of an entrance/exit off the main entrance ramp located in the front of the building, and is accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. The hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15), and requires yearly approval from the City of New Bedford. The premise is situated on the corner of Rivet & Bolton Streets and **will remain the same at 418-420 Rivet 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: Antero L. Coelho, Proposed Manager & Owner**

Responding to questions from Chairman Beauregard, Mr. Antero stated that he plans on opening a Portuguese restaurant with a limited menu at the beginning, as well as no entertainment at this time but maybe in the future.

When asked by Chairman Beauregard if everybody would be T.I.P.S. Certified, Mr. Antero stated that they all would be.

**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; with a stipulation that Mr. Antero submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of opening 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. – **Unanimous**

**2. PETITION - Tr. #00158-RS-0778– Plot # 53--197**

**Nabih Moujabber d/b/a Lebanese Kitchen**, for a license currently issued at **1487-1489 Purchase Street, Nabih Moujabber, Licensee**, who is petitioning to **Transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **The White Rose, LLC d/b/a Sam Potter's Roast Beef Sandwiches**, who is also requesting a **Change of Location to 37 Union Street**. Upon approval, Christopher R. Whittingham and Jean Nicolazzo will be Co-Managers and Co-Interest-Holders (50% each) of the LLC; and **Christopher R. Whittingham** will be the **Manager of the Liquor License**. Upon completion of the proposed renovations, the premise will consist of one room on the first floor of a one – story building, in an area approximately 2,520 sq. ft., which includes a dining area with a small bar, an order and waiting area, a food prep area, a kitchen, three (3) handicapped access restrooms, and a walk-in cooler. There will also be an outdoor patio area, approximately 448 sq. ft. (16' X 28'), to be used as a 'Sidewalk Café', which will be enclosed with 21" high planters that will be used to rope off the described area, and will be used for seated dining purposes only.

The enclosed area, which will include Five (5) tables for the seating of Twelve (12) patrons and two (2) umbrellas for shading, will be located on the south side of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. There will also be an additional exit that leads to the front door of the establishment. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensed premise is situated on the North Side of Union Street between Johnny Cake Hill and Front Street, with an entrance/exit onto Union Street, with an emergency exit located at the rear of the building on the North Side of the building. The premises will be numbered **37 Union 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 have been notified.*

***Present: Christopher Whittingham, Proposed Manager and Co-Interest Owner along with Jean Nicolazzo, Proposed LLC Member and Co-Interest Owner***

Prior to the start of the hearing, Atty. Kreg Espinola, Legal Counsel for the Licensing Board, recused himself based on matters of conflict of interest in other matters involving Mr. Whittingham.

Also prior to the start of the hearing, Chairman Beauregard also cleared himself of a conflict of interest by asking Atty. Whittingham if he was still involved with Southcoast Legal Services, to which Atty. Whittingham stated, no. I've been in private practice for 6 years.

Chairman Beauregard stated that he does a lot of work with them as a result of his other job with the Housing Authority, so he wanted to make sure that there were no conflict of interest issues, which would require him to recuse himself from the meeting as well.

Responding to questions from Chairman Beauregard, Mr. Whittingham stated, we're planning on running a high-end sandwich shop ...serving Roast Beef ... Roast Pork ... Roast Ham ... Roast Turkey ... all served on homemade Ciabatta Rolls ... we'll also be serving them with a choice of sides ... along with craft beers and wine ... in a small rustic setting.

When asked if he was any making changes to the establishment as its setting now, Mr. Whittingham stated, only in a cosmetic way ... the place is only so big ... we're changing the configuration of the bar ... but basically everything is staying the same except for some cosmetic changes.

Responding to further questions from Chairman Beauregard, Mr. Whittingham stated that there would not be any entertainment whatsoever, and that he planned to close by 9:00 p.m.

When asked by Chairman Beauregard if he had any previous experience in this business, Mr. Whittingham responded, no ... but we're bringing in a Chef/Restaurant Manager who graduated from Johnson & Wales ... and who has a great deal of experience in Providence ... and he's going to come in as a consultant for six months or so ... put in place systems ... basically teach me how to run the place ... and hopefully I can take it from there.

When asked by Chairman Beauregard if all his staff would be T.I.P.S. Certified, Mr. Whittingham responded that they would be.

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

### ***3. PETITION - Tr. #00210-CL-0778- Plot # 99—5 (No Representation Required)***

***Our Lady of Angels Band, Inc., Antonio F.D. Cabral, 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, Antonio F.D. Cabral will remain as the President, Paul Chasse will be the (new) Vice-President, Nancy Cabral will be the (new) Treasurer and Lisa Chasse will be the (new) Secretary; and Mario J. Duarte (new) Rogerio Matos, (new) Dulce Matos, John Medeiros, and Antonio Ventura will all be Co-Directors. Premises will remain the same at **1446-1452 Acushnet Avenue**.

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

***Present: No One Was Required To Appear***

Mr. Nanopoulos informed the Board that this was simply a yearly Change of Officers and Directors, on a not for profit club.

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

**Tabled At 07/24/17 Meeting**

**4. Hearing: Our Lady Of Angels Band, Inc.**

**Mario J. Duarte, Manager**  
**1446-1452 Acushnet Avenue**

Your presence is requested at a hearing to be held to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1<sup>st</sup> deadline to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2017 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

**Please contact this office immediately upon receipt of this notice for assistance with this matter.**

**Present: No One Was Required To Appear**

Mr. Nanopoulos informed the Board that no further action was required due to the submission and approval by the Board on the previous application agenda item.

**VOTED:** On a motion by Commissioner Almeida, the Board unanimously voted to remove item #4 from the table; and that no further action be taken regarding this matter. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 5 - 21** at one time; waive reading; and approve the applications as presented – **Unanimous**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative,** who is requesting approval of an application for a **Special All Alcoholic Beverages License** for a "Going Away Party" to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, August 24, 2017, from 5:00 p.m. until 8:00 p.m.**

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

**The New Cape Verdean Ultramarine Band Club, Inc., Ramona Silva, Representative,** who is requesting approval of an application for a **Special All Alcoholic Beverages License** for a "100<sup>th</sup> Year Birthday Celebration" to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, August 26, 2017, from 7:00 p.m. until 11:00 p.m.**

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

**New Bedford Art Museum/Artworks!, Jamie Uretsky, Representative,** who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'Art Reception' to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, September 1, 2017 from 6:00 p.m. until 8:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative,** who is requesting approval of an application for a **Special All Alcoholic Beverages License** for an "Azorean Whaleboat Regatta Dinner" to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, September 6, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative,** who is requesting approval of an application for a **Special All Alcoholic Beverages License** for an "Azorean Whaleboat Regatta Dinner" to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, September 7, 2017, from 5:00 p.m. until 7:00 p.m.**

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

**Azorean Maritime Heritage Society, Louise Medeiros, Representative,** who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Reception for Regatta Participants and Associate Members' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, September 9, 2017, from 6:00 p.m. until 11:00 p.m. \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special All Alcoholic Beverages License** for an "Azorean Whaleboat Regatta Dinner" to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Sunday, September 10, 2017, from 5:00 p.m. until 9:00 p.m.**

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

Marion Institute, Inc., Zoe Hansen-Dibello, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Taste of September Fundraiser Event' to be held within the **Fort Taber Community Center** and adjacent tented area in the parking lot, located within **Fort Taber**; and to be held on **Wednesday, September 13, 2017, from 5:30 p.m. until 8:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

New Bedford Art Museum/Artworks!, Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'Art Reception' to be held at the **New Bedford Art Museum**, located at 608 Pleasant Street; and to be held on **Thursday, September 14, 2017 from 6:00 p.m. until 8:00 p.m.**

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

Jardin & Marotta, LLC/Southcoast Chamber Business Assoc., Jane Cardoza,, Representative, who is requesting approval of an application for a **Special All Alcoholic Beverages License** for a "Southcoast Chamber Business After Hours" to be held at the **DeMello International Center**, located at 128 Union Street; and to be held on **Thursday, September 14, 2017, from 5:00 p.m. until 7:00 p.m.**

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

Acushnet Veterans Memorial Committee, Thomas J. DaCosta, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Adam Taylor Foundation Fundraiser' to be held within the **Madeira Field Pavilion Area**, located at 50 Madeira Avenue; and to be held on **Sunday, September 17, 2017, from 1:30 p.m. until 6:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured & a copy of the Police Detail Contract) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

Carl Lee Pacheco Memorial Trust Fund, Jeffrey Coutinho, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion**, located on Madeira Avenue; and to be held on **Saturday, September 30, 2017 from 5:00 p.m. until 11:00 p.m. \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Belgian Beer'd Fest' event to be held within **Wing's Court**, which is contiguous to the Pour Farm Tavern, located at 780 Purchase Street; and to be held on **Sunday, October 8, 2017, from 1:00 p.m. until 5:00 p.m. (Final approval will require Liquor Liability and a copy of the Police Detail Contract) . \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

South Coast Business Alliance, Kevin Trahan, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '11<sup>th</sup> Annual Oktoberfest Fundraiser' to be held within the **New Bedford State Pier Building**, located at 93 State Pier; and to be held on **Saturday, October 14, 2017 from 3:00 p.m. until 11:45 p.m. (Last call will be at 11 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

New Bedford Art Museum/Artworks!, Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'Art Reception' to be held at the **New Bedford Art Museum**, located at 608 Pleasant Street; and to be held on **Friday, October 27, 2017 from 6:00 p.m. until 8:00 p.m.**

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

New Bedford Art Museum/Artworks!, Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Tasting Event', to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, November 10, 2017 from 6:00 p.m. until 9:00 p.m.**

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

New Bedford Art Museum/Artworks!, Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Holiday Party' to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, December 1, 2017 from 6:00 p.m. until 9:00 p.m.**

**Tabled At 07/24/17 Meeting****22. APPLICATION, (Special Permit Has Been Approved/Change of Ownership)**

**Martha Perez**, who resides at **777 County Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Ebenezer Used Tires, Mechanical Work, and Used Car Sales**, with premises situated at **1519 Purchase Street**.

**Note:** Site was previously licensed to **Universal Used Autos & Repairs**, whose license was surrendered on **04/25/17**; site was previously approved for the display of **Ten (10) cars** by the **Office of Inspectional Services**.

Final approval of the **Motor Vehicle Class II License** will require a '**Change of Tenant**' from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

**Present: No One Appeared As Requested**

**ACTION TAKEN:** None

**23. APPLICATION, (Special Permit Has Been Approved/Change of Ownership)**

**Maximiliano M. Galvan**, who resides at **240 State Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Union Auto Towing, Inc. #4**, with premises situated at **1466 Pleasant Street**.

**Note:** Site was previously licensed to **Carlos Tavares d/b/a Tavares Auto Sales**, whose license was surrendered on **04/13/17**; site was previously approved for the display of **Twenty-Two (22) cars** by the **Office of Inspectional Services**. Final approval of the **Motor Vehicle Class II License** will require a '**Change of Tenant**' from the **Office of Inspectional Services**.

**Present: Maximiliano M. Galvan, Applicant**

Responding to questions from Chairman Beauregard, Mr. Galvan stated, we already have two established locations ... one at **31 Rodney French Boulevard** ... which we opened in **2010**... and a second one at **895 Mt. Pleasant Street** ... which we opened in **2013** ... as well as a third one ... which is a proposed location also on **Mt. Pleasant Street** ... which will not be complete until the late spring ... so this will be our fourth location ... which we planned to be used on for sales and for the service of all the cars we sell at this location ... and then we plan to use the license for car rentals but we would need to keep the **Class II license** there as well ... which we would use to buy cars that we are going to rent or lease ... and that they would be doing all their repairs at this new location as well as at the **Rodney French Boulevard** location.

When asked by Chairman Beauregard if they would be storing any cars that they get in trade-ins, Mr. Galvan stated that any cars that are either junk or trade-in would be sold to a wholesaler that they deal with.

When asked by Chairman Beauregard if there would be any painting or body work done at this location, Mr. Galvan stated that there would not be any other type of work except general auto repairs.

**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-Two (22) cars** as previously approved for that location by **Inspectional Services** – **Unanimous**

**24. APPLICATION, (Applicant Is In The Process of Obtaining A Special Permit/Change of Ownership)**

**Ana P. and John R. Singleton**, who both reside at **125 South Pickens Street, Lakeville, MA.** are requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **North End Auto Sales, LLC**, with premises situated at **1336 Ashley Boulevard**.

**Note:** Site is currently licensed to **Simao F. Pacheco d/b/a North End Auto Sales**, which is currently approved for the display of **Twenty-Eight (28) cars** by the **Office of Inspectional Services**.

Final approval of the **Motor Vehicle Class II License** will require a '**Change of Tenant**' from the **Office of Inspectional Services** and a **Notarized Letter** stating where the repairs will be done.

**Present: Ana P. and John R. Singleton**

Responding to questions from Chairman Beauregard, Mr. Singleton stated that he and his wife both have had experience in the sale and service of automobiles both in Acushnet at Southcoast Premium Auto for about three years, as well as Riverside Auto and Salvage in Acushnet where he currently works now; adding that he has about five years of experience in sales, service, and management.

Responding to questions from Chairman Beauregard, Mr. Singleton stated that they would be doing their own repairs on site, and that they would not be doing any bodywork or painting; and that they would ship out any junk cars or trade-ins right away to a wholesaler or send them out to the salvage yard in Acushnet.

**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-Eight (28) cars as previously approved for that location by Inspectional Services – **Unanimous**

**25. Hearing: Casa Chessa Corp. d/b/a Portobello**

**Mrs. Mairy M. Chessa, Manager/Owner**  
**555 Pleasant Street**

**Closed 06/30/17 – Licensee Decision**  
**Prior Hearings (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

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

**Present: Mairy M. Chessa, Manager/Co-Owner along with Pietro Chessa, Co-Director/Co-Owner**

Mr. Chessa requested that they are allowed a little more time to have his Attorney review the contract with Columbus Group, in order to see how to proceed in turning back the license to them; if we agree to some terms.

**The following written decision in part was issued to the licensee on 08/31/17:**

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted unanimously to table the matter until the Board’s October 23, 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 October 1, 2017 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To re-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 **unanimously voted to remove item # 26 from the table.**

**Tabled At 03/27/17 Meeting**

**26. 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: (7)**

Your presence is respectfully requested at a hearing to be held in this office to determine the status of your annual liquor license for the year 2017. 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.

**03/27/17 Decision**

As a result of the open hearing held on March 27, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 the **Board voted unanimously to table the matter until this Board's August 28, 2017 meeting.**

The Board's decision was based on the information provided by Atty. (Christopher) Markey at said meeting, at which he stated that he's been in contact with a potential buyer; as well as stating that the project looks like it's going to move forward rather quickly with a tentative April 1, 2018 opening.

The Board's decision will give you sufficient time to complete the sale of your license or determine if you would rather keep the license to be used at the proposed new hotel project.

This office will continue to post your contact information on the liquor license availability list, which we have posted in the office and distribute upon request.

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

**Present: Atty. Christopher M. Markey, Legal Counsel for Columbus Group, LLC**

Responding to questions from Chairman Beauregard, Atty. Markey stated on behalf of the Columbus Group, LLC that they were going ahead with the project with a planned April 1, 2018 opening; therefore, it was their intention to keep and renew the license to be used in the hotel restaurant.

**The following written decision in part was issued to the licensee on 08/31/17:**

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 the **Board voted unanimously to table the matter until this Board's April 2018 meeting.**

The Board's decision was based on the information provided by Atty. (Christopher) Markey at said meeting, at which he stated that the project looks like it's going to move forward rather quickly with a tentative April 1, 2018 opening.

Should you be operational by April 1, 2018; you will not be required to appear as notified.

This office will discontinue posting your contact information on the liquor license availability list, which we have posted in the office and distribute upon request.

**Voted:** On a motion by Commissioner Almeida the Board **unanimously voted to remove item # 27 from the table.**

**Tabled At 07/24/17 Meeting**

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

**Mr. Shang Ying Zhao, Manager of LLC**

**114-116 Nauset Street**

**Approved 06/03/14 – Renovations**

**Prior Renewal Hearings: (7)**

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 120, on Monday evening, July 24, 2017 at 7:00 p.m.**, to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

**03/06/17 Written Decision**

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, during which the Board considered your request for a 6 month extension to complete the ongoing renovations; **the Board voted unanimously to approve your request and to table the matter until this Board's July 24, 2017 meeting.**

The Board's decision was based on the written request submitted by Atty. (Chris) Markey on your behalf, in which he stated that due to some financial issues that arose because of some extra work that needed to be done, that some additional time would be needed to complete the renovations; adding that he believes that everything should be resolved within the next 6 months.

***If you are operational by August 28, 2017, you will not be required to appear as notified.***

**Minutes of 07/24/17 Meeting**

**Action Taken:** Based on the Licensee's legal counsel unavailability to attend the 07/24/17 meeting due to a scheduling conflict; therefore, the Board voted unanimously to table the matter to the next meeting on August 28, 2017.

**Present: Atty. Christopher M. Markey, Legal Counsel for Ying Dynasty Nauset, LLC**

Responding to questions from Chairman Beauregard, Atty. Markey stated, this is one where they're struggling get to through the renovation ...there were a number of structural delays at the beginning of the process ... which included adding a sprinkler system ...as well as some financial issues that slowed the process as a result of increased costs along the way ... but there has been some progress but it's still not complete ... so my client is asking for an additional ninety (90) days to complete the process and get it going.

**The following written decision in part was issued to the licensee on 08/31/17:**

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017, the **Board voted unanimously to table the matter until this Board's November 20, 2017 meeting; along with a request that Inspectional Services does an inspection of the premises prior to the November 20<sup>th</sup> meeting and submit a progress report to the Board at said meeting.**

The Board's decision was based on the information provided by Atty. (Chris) Markey on your behalf, in which he stated that you have made significant progress with regard to the renovations but there was still work to be done; and that some additional time would be needed to complete the renovations.

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

**Voted:** On a motion by Commissioner Almeida the Board **unanimously voted to remove item # 26 from the table.**

**Tabled At 02/27/17 Meeting**

**28. Hearing: Pub 6T5, LLC**

**Mr. Richard F. Trapilo, Manager/Co-Owner**  
**736 Ashley Boulevard**

**Approved 12/12/16 – On Going Renovations**

**Prior Renewal Hearings: (1)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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.

**02/27/17 Decision**

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, as well as receiving an update with regard to the ongoing renovations; **the Board voted unanimously to table the matter until this Board's August 28, 2017 meeting.**

The Board's decision was based on the update that you provided as to where you currently stood in the process of renovating the premises, which hopefully would be complete by the end of July.

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.

***If you are operational by August 28, 2017, you will not be required to appear as notified.***



**Present: Richard F. Trapilo, Manager/Co-Owner**

Responding to questions from Chairman Beauregard, Mr. Trapilo stated that they were making great progress and that if things go as planned, a soft opening is planned around early October; adding that all the plumbing & electrical work has been completed, the sprinkler system has been installed, and the sign is up, and we've opened up all our accounts with the food and liquor suppliers. Mr. Trapilo concluded his update by stating that they have about 30+ applicants for staffing positions, and that they will all be T.I.P.S. Certified; adding that both he and his wife Margaret are T.I.P.S. Certified.

**The following written decision in part was issued to the licensee on 08/31/17:**

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017, as well as receiving an update with regard to the ongoing renovations; **the Board voted unanimously to table the matter until this Board's November 20, 2017 meeting.**

The Board's decision was based on the update that you provided as to where you currently stood in the process of renovating the premises, which hopefully would be complete by mid October.

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

**29. Hearing: Shooter's Pub, Inc.**

**Ms. Jere A. Espejo, Manager/Owner**  
**2112 Acushnet Avenue**

**Closed 06/30/17 – Licensee Decision**  
**Prior Hearings (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 renewal application.

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

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

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

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

**Present: Jere A. Espejo, Manager/Owner**

Ms. Espejo presented a letter to the Board that stated that the business closed on 07/08/17 and that they were no longer in business, and that they have already turned their license in to Mr. Nanopoulos; and that they have the license up for sale, and that they requested that the license be posted on list of available for sale that is maintained and issued by the Licensing Board. **The Board voted unanimously to receive the letter and place it on file.**

**The following written decision in part was issued to the licensee on 08/31/17:**

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted unanimously to table the matter until the Board's November 20, 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 November 1, 2017 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To re-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 **unanimously voted to remove item # 30 from the table.**

**Tabled At 03/27/17 Meeting**

**30. 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: (5)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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.

**03/27/17 Decision**

As a result of the open hearing held on March 27, 2017 to determine the status of your annual liquor license for the year 2017 and to discuss your plans for your liquor license for the year 2017, **the Board voted unanimously to table the matter until this Board's August 28, 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 soon but it was your intention to submit a transfer of license. Please be advised that your application for transfer must be submitted as soon as possible but *by no later than August 1, 2017.*

**If you are operational by August 28, 2017, 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: Thomas A. Kern, Manager/Owner**

Responding to questions from Chairman Beauregard, Mr. Kern stated that they put the new kitchen equipment in and they're just waiting no to put the hood and ansul system in; and that they were going to submit an application for transfer to a new corporation; and that they hoped to open in thirty (30) days.

**The following written decision in part was issued to the licensee on 08/31/17:**

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017 and to discuss your plans for your liquor license for the year 2017, **the Board voted unanimously to table the matter until this Board's November 20, 2017 meeting.**

The Board's decision was based on the information you provided once again to the Board in which you stated that the ongoing renovations would be complete soon but it was your intention to submit a application for transfer of license. Please be advised that your application for transfer must be submitted as soon as possible but *by no later than September 8, 2017.*

Should you are operational by November 1, 2017; you will not be required to appear as notified.

**Voted:** On a motion by Commissioner Almeida the Board **unanimously voted to remove item # 31 from the table.**

**Tabled At 07/24/17 Meeting**

**31. 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: (4)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

If you fail to submit an application as requested, you will be required to appear before this Board once again, at which time the Board will consider revoking your license for non-use.

#### **04/25/17 Written Decision**

As a result of the open hearing held on April 24, 2017 to determine the status of your annual liquor license for the year 2017, **this Board voted unanimously to table the matter until this Board's June 26, 2017 meeting.**

The Board's decision was based on the information that you provided to the Board in which you stated that you were finalizing a lease to move your license to a new location; and that you planned to keep your license and operate the premises yourself. You were also instructed by the Board to submit a completed application in a sufficient amount of time, so that it may be placed on the June Agenda for consideration by the Board for approval.

***Please be advised that a completed application must be submitted by June 9, 2017 in order for it to be properly advertised. Should you need assistance in filing your application for a transfer of license, please contact this office at your earliest convenience.***

#### **Minutes of 07/24/17 Meeting**

**Action Taken:** Applicant was unable to attend the 07/24/17 meeting due to being unable to get back from Martha's Vineyard due to weather conditions; therefore, the Board voted unanimously to table the matter to the next meeting on August 28, 2017.

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

Mr. Silva presented a letter to the Board from Atty. John Williams, which stated in part that Frederick Miller has a signed Purchase and Sale Agreement to buy the on premise liquor license with 250 Union NB, LLC (Ramon D. Silva Enterprises, LLC); and that they were in the process of finalizing the transfer of said license, and hopefully it will be filed in time for the next hearing (October) before the Board. **The Board voted unanimously to receive the letter and place it on file**

#### **The following written decision in part was issued to the licensee on 08/31/17:**

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017, **this Board voted unanimously to table the matter until this Board's November 20, 2017 meeting.**

The Board's decision was based on the information that you provided to the Board in which you stated that you had signed a P & S with Frederick Miller, who is represented by Atty. John E. Williams; and that an application for transfer would be submitted no later than October 6, 2017.

You were also instructed by the Board to submit a completed application in a sufficient amount of time, so that it may be placed on the October Agenda, and if possible, the September Agenda for consideration by the Board for approval.

***Please be advised that a completed application must be submitted by September 8, 2017 in order for it to be properly advertised for the September Meeting; or by October 6, 2017 or sooner for the October meeting.***

***Should you need assistance in filing your application for a transfer of license, please contact this office at your earliest convenience.***

If you fail to submit an application as requested, you will be required to appear before this Board once again, at which time the Board will consider revoking your license for non-use.

**Voted:** On a motion by Commissioner Almeida the Board **unanimously voted to remove item # 32 from the table.**

#### **Tabled At 07/24/17 Meeting**

#### **32. Hearing: Portugal Verde Soccer Academy, Inc.**

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

**424 Nash Road**

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

**Prior Renewal Hearings: (5)**

Your presence is respectfully requested at a hearing at the request of the members of this Board to determine if you are in full compliance to be issued your liquor license for 2017; failure to be in **full compliance** may require the Board to initiate its decision of 01/23/17, as stated below.

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

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

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

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

#### **01/23/17 Written Decision**

Per your recent hearing to determine the status of your annual liquor license, **this Board voted unanimously to revoke your General on Premise Wine and Malt Only Beverages License, however, the revocation has been set aside until the Board's July 24, 2017 meeting.**

The Board's decision was based on your failure to meet requirements as set forth by the Office of Inspectional Services and the Fire Department (M.G.L. Ch. 138, sec. 64-failure to comply with the Laws of the Commonwealth, To Wit: M.G. L. Chapter 138, section 77, Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, and local Building Code Regulations) in order for you to be issued your Occupancy Permit and 304 Fire Certificate. Both of these forms are required for you to receive your liquor license.

As you are aware, your license has been inactive since December 9, 2015. We understand your issues with Inspectional Services but unfortunately they are issues that are out of our control. That said, it is our responsibility to ensure that your license gets activated and it is for this reason that the Board set-aside the revocation for six months with the hope that you can resolve your building issues or to give you adequate time to sell the license.

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 with a copy submitted to this office.

#### **Minutes of 07/24/17 Meeting**

**Action Taken:** Licensee was unable to attend the 07/24/17 meeting due to illness; therefore, the Board voted unanimously to table the matter to the next meeting on August 28, 2017.

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

Mr. Nanopoulos opened the hearing by reminding the Board that Mr. Furtado's liquor license was granted December 9, 2015, and that he has yet to open due to his failure to secure a Certificate of Occupancy from the Office of Inspectional services; as well as a sign off from Fire Prevention; adding that there have been five (5) prior hearings on this matter.

Mr. Nanopoulos also reviewed the Board's Decision of 01/23/17, in which they voted unanimously to revoke Mr. Furtado's General on Premise Wine and Malt Only Beverages License, at which time the Board also set the revocation until the Board's July 24, 2017 meeting; the decision was set aside for an additional six (6) months in order to give Mr. Furtado ample time to resolve all outstanding issues, so that he may secure his C.I. and 304 Certificate.

Mr. Nanopoulos also informed the Board that Mr. Berube submitted a packet documenting a complete list of what issues had to be addressed and letters that were sent to Mr. Furtado, along with documents showing the work that has been completed, as well as the work that has been started without approval of Inspectional Services.

**The Board voted unanimously to receive the "packet" and place it on file.**

Upon listening to the testimony presented by Mr. Furtado with regard to his efforts to come into compliance, including his complaints of the alleged lack of co-operation from Mr. Berube during the process; and that of Mr. Romanowicz and Mr. Berube, who also submitted documentation and pictures of the work that was started without proper permitting and approval, which in turned compromised the initial violation issues that need to be corrected.

The Board voiced their concern over the licensee's decision to initiate work in a new area within the building that was not approved or properly permitted; and its frustration that the licensee failed to resolve the initial violations prior to starting any new work on the premises, after being instructed repeatedly to work with the Office of Inspectional Services to resolve all outstanding compliance issues in a timely manner, so that his liquor license may be issued to him over the past two years.

As a result of the hearing, of which an audio version is on file, **the Board voted unanimously to proceed with its 01/23/17 Hearing Decision to revoke the Wine and Malt License, which at that time suspended the revocation until our July meeting allowing the licensee a final opportunity to become compliant.**

**The following written decision was issued to the licensee on 08/31/17:**

**The Portugal Verde Soccer Academy, Inc. was granted a General on Premise Beer and Wine License on December 9, 2015.**

Since this time, you have been unable to secure an Occupancy Permit and a 304 Fire Certificate, to activate your license. Over the past twenty-one (21) months or so, you have been before this board on five (5) occasions as we tried to assist you in resolving your issues with Inspectional Services. Per your final hearing of August 28, 2017, the Director of Inspectional Services testified that not only was the area in question not in compliance, but you assumed control of an additional section of the building and began renovations without having been issued a building permit. Upon further investigatory questions by this Board, we concluded that you are no further along towards compliance than you were at the start of this process. Per your hearing of January 23, 2017, **this Board voted unanimously to revoke your license because of your repeated failure to comply with the requirements of the Office of Inspectional Services and the New Bedford Fire Department. The Board at that time suspended the revocation until our July meeting allowing you a final opportunity to become compliant.**

Based on your testimony and that of the Director of Inspectional Services (August 28 hearing), the Board concluded that you continue to fail to meet requirements as set forth by the Office of Inspectional Services and the Fire Department (M.G.L. Ch. 138, Sec. 64, M.G. L. Chapter 138, section 77, Chapter 304 of the Acts of 2004, an Act Relative to Fire Safety in the Commonwealth, and local Building Code Regulations) in order for you to be issued an Occupancy Permit and 304 Fire Certificate and as such voted unanimously to proceed with the revocation of your Wine and Malt License. You have the right to appeal this decision to the Commonwealth of Massachusetts, Alcoholic Beverages Control Commission, located at 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.

**33. Hearing: EZ Convenience & Gas, LLC d/b/a Mutual Mart**  
**Mr. Hitesh Patel, Sole Member/Manager of LLC**  
**1800 Purchase Street**

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

Upon reviewing your recent filings with the Massachusetts Secretary of State's office, it was determined that the management and ownership of E-Z Convenience and Gas, LLC is not the same as what was approved by this board. It appears that you have made changes to your LLC without Board approval which is a violation of the terms of your license. (M.G.L. Ch. 138, Sec 12, 12A, 15A & 64) (Licensing Board Regulations 1 & 6)

The Board will entertain testimony as to the intent of your actions and may elect to suspend your license until such a time as this matter is resolved. **You are hereby ordered to bring your 2017 liquor license to this meeting.**

***Present: Atty. Paul Los along with Hitesh Patel, Sole Member/ Manager of LLC with Jignesh Patel and Bhupendra Patel, whose names appear on the Annual Report filing.***

Mr. Nanopoulos informed the Board that he requested that a hearing be held due to the fact that the latest 'Annual Report' filing submitted to the Secretary of State's Office didn't match what was on file with this office and the ABCC; which included names that have not been approved by this Board and the ABCC.

As a result of the hearing, of which an audio version is on file, **the Board voted unanimously to continue the matter until the Board's October 23<sup>rd</sup> meeting**, thereby allowing the licensee's attorney time to make the necessary corrections.

**The following written decision was issued to the licensee on 08/31/17:**

As you are aware, your presence was required at this Board's August 28, 2017 meeting to determine whether you violated Massachusetts laws and regulations by withholding the names of any individuals who may have a financial interest in the above establishment. Based on the testimony of Counsel, the Board concluded that there are currently persons included in the LLC filings with Secretary of State's Office that have not been approved by this Board and the ABCC. The Board therefore continued this matter until our October 23<sup>rd</sup> meeting, thereby, allowing your Attorney time make the necessary corrections.

It is suggested that you contact our office **within five (5) days of receipt of this notice** for assistance with this filing. Your failure to correct this matter could result in the suspension of your license.

**Voted:** On a motion by Commissioner Almeida the Board **unanimously voted to remove item # 34 from the table.**

**Tabled At 07/24/17 Meeting**

**34. Hearing: Simba, Inc. d/b/a**

**Whiskey Lounge**

**Ms. Kristina Morrow, Manager/Co-Owner**

**1669 Acushnet Avenue**

**"AMENDED"**

**Your presence** and that of Kevin Sbardella, Bouncer, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations, as reported in City of New Bedford Police Department Incident Report. *The Board will also discuss a recent complaint filed with this office regarding your policy regarding minors as it relates to I.D. Checks and the sale of alcohol to minors.* Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel 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 Regulation No. 5, 11, 12-**

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

**Summary of Incident Reports**

Police Department Incident Report states that Officers were dispatched to 1653 Acushnet Avenue as a result of a neighbor's complaint of possibly hearing gun shots (5) being fired emanating from this area; the shots were also recorded by Shotspotter. Upon arrival the Officers observed a large crowd of approximately 15 to 20 people outside of the Whiskey Lounge on the Tinkham Street side of the building. Upon seeing the Officers, the crowd immediately began to disperse with some going back into the bar, and others taking off on foot or in vehicles.

Upon entering the premises from the side door, the Officers observed 25-35 people inside and approximately 5 more people standing at the front door. The Officers talked to several people who kept stating that there was a fight between two females outside. The Officers also stated that the crowd was extremely uncooperative. Officers then located two witnesses who stated that an incident occurred inside the premises, and at some point a male exited the bar brandishing a firearm and fired 3 to 4 shots in the air.

Another female witness stated that she was inside the bar when another female approached her and they began to argue inside the establishment.

The witness stated that she left and went outside at which point the other female followed her outside and they began to physically fight.

She also stated that someone from the bar took her identification and phone...

When asked by the Officers what had transpired prior to their arrival, the bouncer (Kevin Sbardella) stated that nothing had happened that he was aware of.

When asked if he had any knowledge of the fight that occurred outside or of the male that had left the Whiskey Lounge with a firearm, and firing it in the street, the bouncer insisted he had no knowledge of any incident that had occurred outside, and that he was standing at the front door for the last 15 to 25 minutes.

**Date and time of alleged violations: Friday, May 26, 2017 @ approximately 12:25 a.m. Police Report # 17-6208-OF**

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

**Minutes of 07/24/17 Meeting**

**Rec'd 07/12/17** – A written request by Atty. Gregory Longo to table the matter until the Board's August 28<sup>th</sup> Meeting, due to a scheduling conflict on this date.

**VOTED:** Commissioner Almeida made a motion to receive the request and place it on file, and approve the request; and to table the matter to the Board's August meeting. – **Unanimous**

**Present:** Atty. Gregory Longo along with Kristina Morrow, Manager/Co-Owner and Lawrence Bucha, Co-Owner; Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd. along with Officer Jeremy Dellecese, the Reporting Officer

Upon listening to the testimony presented by Officer Dellecese and that on behalf of the licensee, the Board voiced their concern of the lack of co-operation with the police, as well as lack of having an authorized person on duty on those nights when extra personnel would be needed.

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 receive the report and place it on file.**

**The following written decision was issued to the licensee on 08/31/17:**

Per your hearing of August 28, 2017, the Board heard testimony from the New Bedford Police Department regarding an incident that occurred in or around your establishment. The Board had concerns regarding how your staff addressed the situation and their lack of cooperation with the officers. I would suggest the Board made it very clear that it is imperative for you and your staff to cooperate with the Police Department moving forward. That said, I would suggest you appoint one person to be in charge in your absence.

As a result of the testimony presented, it was voted unanimously to receive the report and place it on file with no further action at this time.

**35. Hearing: County Street Liquor Store**

**Mr. Matthew Do, Licensee**

**111-113 County Street**

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

**Violations: Massachusetts General Laws Chapter 138, sections 15, 33-**

A Section 15 package store licensee is only permitted to make sales between 8:00 a.m. and 11:00 p.m. Monday – Saturday; and 10:00 a.m. until 11:00 p.m. on Sundays.

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

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

**Summary of Incident Report #1:**

Police Department Incident Report states that the Reporting Officer conducted a directed patrol focusing his efforts on the County Street Liquor Store located at 113 County Street, as a result of received complaints that the liquor store was opening in the early morning hours and selling alcohol.

The Officer stated that shortly after 6:00 a.m., the Officer observed a male approach the front door of the business and unlocked the metal gate and open it half way. The male then went under the metal gate and opened the door to the business and entered. At approximately 6:45 a.m. the Officer observed a male exit his car with a cell phone and go under the gate, and stood at the front door of the liquor store. The male waited there for approximately one or two minutes before coming under the metal gate to the sidewalk. The male waited on the sidewalk in front of the liquor store and appeared to be looking at his cell phone. The male then went under the gate a second time and waited at the front door of the liquor store but was never let in; the male then walked back to his vehicle he came in and drove away a few minutes later. *(The Officer filed the FIR to document the early morning activity at the liquor store in regards to the complaints that were received,)*

**Date and time of Report: Monday, June 26, 2017 @ approx. 6:45 a.m. Police Report # 17-293-FI**

**Summary of Incident Report #2:**

Police Department Incident Report states that in early June 2017, South End Units were informed that County Street Liquors located at 113 County Street was selling alcohol early in the morning prior to the authorized time allowed by law.

As a result of this notice, patrol in the area monitored this location and filed the following reports:

#1 – On July 7, 2017 at approx. 7:00 a.m. a male was observed standing under the half opened gate in front of County Street Liquors. The Reporting Officer then observed the male walking down the street holding a brown paper bag. The Officer exited his cruiser and encountered the male, and asked if he had liquor inside the bag; upon being told that he did indeed have liquor in the bag, the Officer asked if he could look in the bag, to which the male agreed. The Officer then looked in the bag and observed a pack of Newport cigarettes and a twelve (12) pack of watermelon nips.

When asked by the Reporting Officer if he had purchased these items at County Street Liquors, he stated “yes”.

The Reporting Officers then went back to the store and were let in by Mr. Matthew Do, who stated that he was the owner of the liquor store. When the officers informed Mr. Do that they had just stopped a male on County Street who stated that he purchased liquor from his store; Mr. Do first stated that the male knocked and he was afraid so he let him in through the locked door.

Mr. Do proceeded to state that the male stole the cigarettes and nips, and ran out of the store without paying. The Reporting Officers noted in their report that the cigarettes were held above the register and the nips are stored behind the counter and the only way to get either would be to go behind the counter.

When asked if cameras were working, Mr. Do stated that he doesn't turn them on until he opens the store.

As the Officers were talking to Mr. Do, another male came into the store looking to purchase a single "Natty Daddy"; but after seeing the Officers in the store, the male stepped outside but later informed the Officers that he has purchased liquor in the past from County Street Liquors early in the morning.

**Date and time of alleged violations: Friday, July 7, 2017 @ approximately 7:00 a.m.**

**Police Report # 17-8252-OF**

**Summary of Incident Report #3:**

Police Department Incident Report states that Officers while on a direct patrol on Windsor Street and County Street, observed a male walk into County Street Liquor Store at approximately 7:15 a.m., which has been a source of recent complaints regarding the selling of alcoholic beverages before allowed store hours. While waiting for the first male to come out, the Officers who maintained a visual on the building, observed a female walk inside the business in question; and at approximately 7:19 a.m. they observed another male also enter the store.

At approximately 7:22 a.m. the Officers observed the first male and the female exit the store in question with a grocery bag and inside the bag was what appeared to be multiple beer cans. When asked by the Officer what he purchased inside the store, the male who officers observed putting three cans of Natty Daddy beer cans in a blue duffel bag along with a quarter pint of vodka stated that he just bought some beer and vodka from "County Street Liquor Store". The male also stated to the Officers that he usually buys liquor from the store in question anywhere from 7:00 a.m. to 8 a.m. because this is the only store that is open and that he sometimes even buys single cigarettes from there also.

As one Officer continued to talk to the male outside, the other Officer entered the premises to confront the owners for selling alcohol prior to 8:00 a.m. As the Officer walked inside, he observed a male about to walk out with a 40 oz. Milwaukee's Best Ice Beer. When asked what he purchased, the male stated a 40 oz. beer.

When the owner (Mr. Do) was asked what he was doing selling alcohol prior to the allowed store hours, Mr. Do stated that he could sell alcohol at 7:30 a.m. because he was doing it for 15 years.

The Officer then asked to see Mr. Do's liquor license which clearly showed the allowed hours of operation as follows:

8:00 a.m. until 11:00 p.m. on Weekdays and 10:00 a.m. until 11:00 p.m. on Sundays.

When the licensee was told that the violation report would be forwarded to the New Bedford Licensing Board for selling alcohol prior to the allowed time by law, Mr. Do pleaded with the Officers not to send it there.

**Date and time of alleged violations: Friday, July 21, 2017 @ approximately 7:15 a.m.**

**Police Report # 17-8928-OF**

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

**Present: Matthew Do, Licensee along with his Wife and Son; Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd. along with Officer Jason Orlando, the Reporting Officer**

Upon listening to the testimony presented by Officer Orlando and that on behalf of the licensee, the Board voiced their concern that the licensee did not heed earlier warnings by the police, as well as the licensee's testimony that he did not know the hours of operation, which were clearly marked on his liquor license.

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted in the majority to suspend the Retail Package Store All Alcoholic Beverages license for a period of ten (10) days of which seven (7) days must be served; with the remaining three (3) days will be held in abeyance during your one year probationary period commencing on August 30, 2017.**

**The following written decision was issued to the licensee on 08/30/17:**

Per your hearing of August 28, 2017, 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 from the reporting officer who stated that he observed patrons leaving your store after purchasing alcohol prior to the allowed time during which alcohol may be sold. As a result of the testimony presented, the Board voted in the majority to suspend your Retail Package Store All Alcoholic Beverages license for a period of ten (10) days of which seven (7) days must be served. The remaining three (3) days will be held in abeyance during your one year probationary period commencing on August 30, 2017. Your dates for closing are **September 18, 19, 20, 21, 22, 23, and 24, 2017.**

In determining this penalty, the Board took into consideration your statements that you were unaware of your allowable hours of operation as well as your past violations. The Board was not convinced that you were unaware of your hours of operation.

The Board would like to remind you that your hours of operation for alcohol to be sold are:

Monday thru Saturday: 8:00 a.m. until 11:00 p.m.; and on Sundays: 10:00 a.m. until 11:00 p.m.

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.



• **CORRESPONDENCE**

**From: Ralph Sacramone, Executive Director**

**Dated – 05/23/17 Received – 05/26/17**

**Re: J.A.C. Fine Wines & Spirits, Inc. d/b/a Friendly Liquors**

**1567 Acushnet Avenue**

**Notice of Hearing Date: Tuesday, July 25, 2017 @ 11:00 a.m.;** A hearing will be held by the Alcoholic Beverages Control Commission to determine whether the *Licensee* violated certain provisions of M.G. L. and Code of Massachusetts Regulations (CMR) as follows: 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 sec. 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. \_

**Date of Alleged Offense: Saturday, May 13, 2017 at approximately 4:05 p.m.**

**DECISION:** Based on the evidence the Commission finds the Licensee violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises to wit: M.G.L. c.138 s.34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore the Commission suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

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

• **COMPLAINTS RECEIVED:**

The Following Liquor Licensees Failed Tobacco Compliance Checks By Selling To Minors:

1. Biltmore Liquors, 650 Pleasant Street
2. Barry's Fine Wine & Spirits, 573 Mill Street
3. Mutual Mini-Mart, 1800 Purchase Street
4. Zully's Wine & Spirits, 1240 Kempton Street

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Red J's Lounge	#17-9330-OF	07/29/17	Disturbance After Hours Numerous Calls to Service (Approximate Time of Violation 2:54 a.m.)

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

2. Euphoria Lounge	#17-2390-AR	07/30/17	Patron Driving Under the Influence/No I.D./Report of An After Party Being Promoted (Approximate Time of Violation 2:55 a.m.)
	#17-2391-AR	07/30/17	Serving a Minor/Serving to Intoxication/Report of an After Party (Approximate Time of Violation 4:33 a.m.)

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

3. Whiskey Lounge	#17-10284-OF	08/17/17	Patron Shot Outside of the Premises; Failure to Co-Operate With Police/Video Tapes (Approximate Time of Violation 2:44 a.m.)
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**Decision:** Bring In For a Hearing – 09/25/17

• **Upcoming Summer Events & Festivals (For Review Only)**

- 12<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup> - "Licenses Applied For – No Changes"
- 11<sup>th</sup> Annual "Oktoberfest" – October 14<sup>th</sup> - "Licenses Applied For – No Changes"

- **NEXT TWO MEETING DATES:** September 25<sup>th</sup> & October 23<sup>rd</sup> both on Mondays, in Ashley Room (120) - **Confirmed**
- **MEETING ADJOURNED:** 9:05 p.m.