

PRESENT: Steven A. Beauregard, Chairman

City Council

Marcelino "Sonny" G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF July 27, 2015 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officers & Directors - Trans. # 004 – Plot # 104--7

Club Sport Madeirense, Inc., Richard Fernandes, (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, Richard Fernandes will be the President, Paul Bertoldo will be the Treasurer, and John Fernandes will be the Secretary; Victor Novo and James Fernandes will all be Co-Directors. Premises will remain the same at **1624, 1626, & 1632 Acushnet Avenue**.

(No Advertisement nor Abutters Notification Required)

Approved By ABCC – 07/29/15

Change of Officers & Directors - Trans. # 056 – Plot # 46--6

Wamsutta Club, Inc., Peter S. Barney, (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, Peter S. Barney will be the President, John R. Lopes will be the Vice-President, Charles Demailey, Jr. will be the Treasurer, and Robert G. Morris will be the Secretary; and Mary Louise Nunes, Joyce Marie Casey, Dr. J. Greer McBratney, Dr. Richard Warburton, and Calvin Siegal will all be Co-Directors. Premises will remain the same at **427 County Street**. *(No Advertisement nor Abutters Notification Required)*

Approved By ABCC – 07/29/15

Change of Officers & Directors - Trans. # 107 – Plot # 19--52

Clube Uniao Faialense, Inc., Carlos Rafael, (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, Carlos Rafael will be the President, Alvaro M. Iria will be the Vice-President, Joao Camarao will be the Treasurer, and Jose I. DeFraga will be the Secretary. There are no Directors. Premises will remain the same at **701 Orchard Street**. *(No Advertisement nor Abutters Notification Required)*

Approved By ABCC – 07/30/15

Change of Officers & Directors - Trans. # 209 – Plot # 93--181

Centro Luso Americano Club, Inc., Adriano Carvalho, Jr., (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, Adriano Carvalho, Jr. will be the President and a Co-Director, Joe Couto will be the Vice-President and a Co-Director, Arlindo daRosa will be the Treasurer and a Co-Director, and Joe Silva will be the Secretary and a Co-Director. Premises will remain the same at **34 Beetle Street**. *(No Advertisement nor Abutters Notification Required)*

Change of Officers & Directors - Trans. # 192 – Plot # 46--152

Verdean Veterans Memorial Foundation, Inc., Diane Pina, (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, Diane Pina will be the President and a Co-Director, Bernidino Silva will be the Vice-President and a Co-Director, Viola Pina Pires will be the Treasurer and a Co-Director, and Pamela Chumack will be the Secretary and a Co-Director. Premises will remain the same at **561 Purchase Street**.

Approved By ABCC – 08/11/15

Change of Officers & Directors - Trans. # 212 – Plot # 37—322 --- “LATE FILE”

The Bisca Tournament Club, Inc., Ayres Gonzales, (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, Ayres Gonzalez will be the President, John Soares will be the Vice-President, Jose (Joe) Macedo will be Treasurer, Karen Jackson will be the Secretary; Candida DaRosa, Nancy DePina, Sandra Santos, Tony Ferreira, and Julia Costa will all be Co-Directors. Premises will remain the same at **157-161 Acushnet Avenue. (No Advertisement nor Abutters Notification Required)**

Approved By ABCC – 08/19/15

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

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officers, Directors, & Manager - Trans. # 141 – Plot # 25-A-25

Young Cape Verdean Athletic Association, Inc., Donald S. Soares, New 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, Donald Soares will be the President and Vice President, Renee DePina will be the Treasurer, and Andrea Barrett will be the Clerk; and Bonaventura J. Barboza, III, Paul L. Massey, Jr., and Lasheene R. Shawders will all be Co-Directors. **Liberio R. DeMello is the Proposed New Manager**. Premises will remain the same at **418 South Front Street**.

Disapproved By ABCC – 08/11/15 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

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

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

VOTED: Commissioner Almeida made a motion to remove Item #1 from the table; and to reconsider and rescind the Board’s vote of 06/22/15 to suspend the club liquor license; based on the receipt of the DOR Certificate of Good Standing, which completed the application. – **Unanimous**

Tabled at 07/27/15 Meeting

1. Hearing: Whaling City Club, Inc. – CLUB -DOR CERTIFICATE RECEIVED – 07/29/15

Carlos Barreira, Manager
447 Belleville Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1st 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 2015 Liquor License**. Depending on the Board’s decision, you may be required to surrender your license until this matter is resolved. Your failure to appear will result in the automatic suspension of your license.

Minutes of 06/22/15 Meeting

Present: Dennis Paim, Vice-President

Mr. Nanopoulos informed the Board that the club still had not submitted a completed application, which includes a DOR Certificate of Good Standing.

When asked by Chairman Beauregard as to why the club had not received their DOR Certificate, Mr. Paim was unable to give an answer.

Based on the applicant’s failure to submit an application as required, and Mr. Paim’s ability to inform the Board as to the status of the club’s DOR Certificate, Chairman Beauregard called for a motion.

VOTED: Based on the licensee's failure to submit a completed application including a Certificate of Good Standing from the Department of Revenue by the June 1st deadline, updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to submit a complete application; with the stipulation that if the application is not submitted by July 20th, the licensee must appear before the Board at its July 27th meeting to surrender their license. – Unanimous** The licensee has 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 the notice with a copy submitted to this office. (If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)

Minutes of 07/27/15 Meeting

Present: Denis F. Paim, Proposed New President along with Jaslyn S. Sweetman, Proposed New Secretary, and William T. Bumpus, Proposed New Manager

ACTION TAKEN: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.

NOTE: As a result of the DOR Certificate of Good Standing being submitted on 07/29/15, the liquor license was released back to the club.

VOTED: Commissioner Almeida made a motion to remove Item #2 from the table. - **Unanimous**

Tabled at 07/27/15 Meeting

2. PETITION - Trans. # 040 – Plot # 99 - 132

Whaling City Club, Inc., Denis F. Paim, (new) 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, Denis F. Paim will be the President, Adriano V. Lopes will be the Treasurer, and Jaslyn S. Sweetman will be the Secretary; and Antonio Santo and Deodato Santo will be Co-Directors. The 'club' is also requesting the approval of **William T. Bumpus**, who resides at **1607 Braley Road, N.B., MA. as their New Manager.** Premises will remain the same at **447 Belleville Avenue.**

(No Advertisement nor Abutters Notification Required)

Present: William T. Bumpus, Proposed New Manager

When asked by Chairman Beauregard as to the extent of his experience in running a liquor establishment, Mr. Bumpus responded, I've been around a lot of nightclubs and I've seen a lot of things happening.

When asked by Chairman Beauregard to explain what he meant by that, if he meant as a patron or an employee, Mr. Bumpus responded, not as an employee ... as a patron ... and I've seen a lot of different things happen ... the manager's position opened up and they asked me to take it ... I know I can take the challenge ... I know I can do the job.

When asked by Chairman Beauregard to be specific as to what his experience is to do the job, Mr. Bumpus responded, I've seen a few things happening.

In response, Chairman Beauregard asked, what specific experience do you have in the sale of alcohol, Mr. Bumpus responded, I've been behind the bar ... I've done a few things behind the bar.

Chairman Beauregard once again asked Mr. Bumpus, if you want to be the bar manager, you have to be specific to this Board, as to what experience you have in running a licensed liquor establishment; to which Mr. Bumpus responded, I don't have too much experience ... but I've seen things happen.

Chairman Beauregard responded, I've seen things too...but what experience do you have ... it seems that you don't have any at all, to which Mr. Bumpus, responded, I don't have much at all ... I'm just learning on the job.

When asked by Chairman Beauregard, so what makes you think that you have the ability to run this establishment, Mr. Bumpus responded, I feel that I know I can do this job and I know I can do it properly ... my eyes are always open for things to happen ... and I can prevent things from happening by watching things.

When asked by Chairman Beauregard, you know we have a lot of problems here already? Mr. Bumpus responded, yes, I know that.

When asked by the Chairman as to what his role was with the club prior to him becoming the manager, Mr. Bumpus responded, I was Vice-President.

When asked by Chairman Beauregard as to what he's done to stem the problems at the club, Mr. Bumpus responded, when I see things happening they have to leave the premises right away ... when I see things happening ... I don't wait for things to happen.

In response, Chairman Beauregard asked, then why do we continue to have problems?

Mr. Bumpus responded, I haven't seen any problems since I've been there ... I haven't seen anything.

When asked by Chairman Beauregard as to how long he's been there, Mr. Bumpus responded, I have been there for a good 6 or 7 months now ... and I haven't seen anything ... when I'm there ... it stops right away.

When asked by Chairman Beauregard as to how long he's been a member of the club, Mr. Bumpus responded, I've been a member there for a couple of years now ... and since I've been on the Board helping them ... when I see something happening ... I nip it right in the bud ... they got to go right away.

When asked by Chairman Beauregard as to the number of members the club had, Mr. Bumpus responded, well ... I can't tell you just how many we have ... a few people died off ... I would say about 30-40 right now ... maybe more that don't

When asked by Chairman Beauregard, so how does the club sustain itself with only 30-40 members? How do you pay the bills? How do you keep the doors open?

Mr. Bumpus responded, we sell alcohol ... we have functions upstairs in the hall ... and I do a few functions ... on Sundays ... I have cookouts and stuff like that to raise money ... and the sale of alcohol goes up when we have those functions ... as well as some pool tournaments which brought in a lot of money.

Chairman Beauregard responded, if you only have 30-40 members, how are you getting big crowds?

Mr. Bumpus responded, It's outside ... it's open to the public sir ... it's just not open to the members ... it's open to the public ... they can come in any time they want to; to which Chairman Beauregard responded, and that's okay?

Mr. Bumpus responded, yes, it's an open door for everybody that goes in there ... but if anybody wants to become a member ... they can become a member.

When asked by Chairman Beauregard, is it open to the public on Friday nights; Mr. Bumpus responded, yes it is.

When asked by Chairman Beauregard if he understood what the rules and regulations were regarding clubs, Mr. Bumpus stated that he knew.

When asked by Chairman Beauregard as to what those rules were with regard to those entering the club, Mr. Bumpus responded, it's a club ... members; to which Chairman Beauregard responded, but you just told me that it was open to the public.

Mr. Bumpus responded, it is ... well when I say it's open to the public... these people come in ... the doors are open ... we don't have any lock keys for people to come in.

When asked by Chairman Beauregard, so you really don't know what the rule and regulations are as far as regulating a club?

Mr. Bumpus did not have a response.

When asked by Commissioner Almeida as to how long his tenure's been as Vice-President, Mr. Bumpus responded, about 6 months.

When asked by Commissioner Almeida if he's served in any other capacity with the club besides Vice-President, Mr. Bumpus responded, no, but I was there for quite some time before that ... two years prior to that ... I've been involved with all their functions that they've had there.

When asked by Chairman Beauregard if he was T.I.P.S Certified, Mr. Bumpus asked, T.I.P.S. Certified?

When asked by Chairman Beauregard if he knew what that was, Mr. Bumpus responded, tips ... from customers ... Is that what you're saying?

It was clear from Mr. Bumpus' response, that he did not know what it meant to be T.I.P.S. Certified.

Based on the responses to the questions posed by Chairman Beauregard and Commissioner Almeida, it was clear to the Board that Mr. Bumpus was not qualified and lacked the experience for them to approve him as the new manager of the club.

Commissioner Almeida expressed his opinion that Mr. Bumpus lacked the experience, and that he was not qualified to be the bar manager.

Commissioner Craig also expressed the same opinion and suggested that Mr. Bumpus have someone go over what the rules and regulations are ... and the everyday procedures ... so that you are better prepared when you come here ... if you want come here ... you have to be better prepared ... right now there are too many question regarding your experience and qualifications.

VOTED: Commissioner Almeida made a motion to deny the application based on Mr. Bumpus' lack of experience and qualification to be the new bar manager. - **Unanimous**

VOTED: Commissioner Almeida made a motion to remove Item #3 from the table; and to reconsider and rescind the Board's vote of 06/22/15 to suspend the club liquor license; based on the receipt of the DOR Certificate of Good Standing, which completed the application. - **Unanimous**

Tabled at 07/27/15 Meeting

3. Hearing: Casa Do Benfica, No. 27, Inc. - CLUB - DOR CERTIFICATE RECEIVED - 07/29/15

Francisco M. Vala, Manager

1484 Acushnet Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1st 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 2015 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

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

Minutes of 06/22/15 Meeting

Present: Atty. Irene Schall along with Francisco Vala, Manager and Daniel DaCosta, Director

Atty. Schall stated, I was retained by the 'club' on or about June 11th ... and I have the application about 95% done ... there was some confusion regarding the due date of the tax return ... and whether or not an extension had been filed ... so consequently ... I was not able to get a Certificate of Good Standing ... but that's in process ... I anticipate that the return will be done on Friday ... there are no issues with the taxes, whatever, they are to be paid ... the club has a fund for that ... so that's the only remaining part of the package ... and that's why I was not able to file today.

When asked by Chairman Beauregard as to what the estimated processing time would be, Atty. Schall responded, I don't know that yet ... I'm sorry... but it's only for the current year.

Chairman Beauregard responded, my concern with them is that they've had a long time to prepare for this, to which Atty. Schall responded, I know ... they know it too ... they've heard it from me ... so ... anybody that knows me ... they know I play it straight ... and I told them that it has to be done ... and I have to say ... once I got involved ... they've been very co-operative.

VOTED: Based on the licensee's failure to submit a completed application including a Certificate of Good Standing from the Department of Revenue by the June 1st deadline, updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to submit a complete application; with the stipulation that if the application is not submitted by July 20th, the licensee must appear before the Board at its July 27th meeting to surrender their license. – Unanimous** The licensee has 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 notice with a copy submitted to this office.**

(If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)

Minutes of 07/27/15 Meeting

Present: Atty. Irene Schall along with Edson Pereira, Treasurer and Daniel DaCosta, Proposed New Manager

ACTION TAKEN: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.

NOTE: As a result of the DOR Certificate of Good Standing being submitted on 07/29/15, the liquor license was released back to the club.

VOTED: Commissioner Almeida made a motion to remove Item #4 from the table. - **Unanimous**

Tabled at 06/22/15 Meeting

4. PETITION - Trans. # 029 – Plot # 99 - 132

Casa Do Benfica No. 27, Inc., Manuel S. Bernardo, (new) 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, Manuel S. Bernardo will be the President, Octavio Pereira will be the Vice-President, Edson Pereira will be the Treasurer, and Franco M. Vieira will be the Secretary; and Augusto Fernandes, Jose Fernandes, Roberto Amaral, Daniel Da Costa, and Francisco Vala will all be Co-Directors. The 'club' is also requesting the approval of **Daniel Da Costa, who resides at 319 Query Street, N.B., MA. as their New Manager.** Premises will remain the same at **1484 Acushnet Avenue.**

(No Advertisement nor Abutters Notification Required)

Present: Atty. Irene Schall along with Daniel DaCosta, Proposed New Manager

Responding to questions from Chairman Beauregard, Atty. Schall stated that her client has been with the club as a member for last 3 years or so, and that's he's probably spent around 10-20 hours a week there as a member; and that he was T.I.P.S. Certified, and that he's self employed, so he has the ability to be flexible; and that he be would at the club about 35 hrs. a week;

She also stated that he set up remote cameras at the club, so that when he is at work, he can see what's going on at the club, even when he's not present.

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 remove Item #5 from the table; and to reconsider and rescind the Board's vote of 06/22/15 to suspend the club liquor license; based on the receipt of the DOR Certificate of Good Standing, which completed the application. - **Unanimous**

Tabled at 06/22/15 Meeting

5. Hearing: IBPOE, Elks, d/b/a William H. Carney Lodge #200 — DOR CERTIFICATE RECEIVED — 07/30/15

Algie F. Wheatley, Manager
159 Mill Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1st 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 2015 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

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

Minutes of 06/22/15 Meeting

Present: *Algie F. Wheatley, Manager along with Roosevelt Hunter, New President and Donald Gomes Treasurer*

Responding to questions from Chairman Beauregard, Mr. Hunter stated that they still had not received their DOR Certificate as a result of their checks being made out to the Department of Revenue instead of being made out to the Commonwealth of MA., so that had to be re-submitted, but they hadn't been posted yet.

VOTED: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue by the June 1st deadline to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to complete their application; with the stipulation that if the application is not complete by July 20th, the licensee must appear before the Board at its July 27th meeting to surrender their license.** - **Unanimous**

The licensee has 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 notice with a copy submitted to this office.**

(If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)

Present: *Algie F. Wheatley, Manager along with Roosevelt Hunter, New President and Donald Gomes Treasurer*

ACTION TAKEN: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.

NOTE: As a result of the DOR Certificate of Good Standing being submitted on 07/30/15, the liquor license was released back to the club.

VOTED: Commissioner Almeida made a motion to remove Item #6 from the table. - **Unanimous**

Tabled at 06/22/15 Meeting

6. PETITION - Trans. # 073 - Plot # 25--88 (No Representation Required)—CLUB

IBPOE, Elks d/b/a William H. Carney Lodge #200, Roosevelt Hunter, (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, Roosevelt Hunter will be the President, Donald Gomes will be the Treasurer, and Algie Wheatley will be the Secretary; and Billy R. Graham, Russell Ramos, and James Bargassee will all be Co-Directors. Premises will remain the same at 159 Mill Street.

(No Advertisement nor Abutters Notification Required)

Present: *No one was required to appear*

Mr. Nanopoulos informed the Board that Mr. Gomes submitted their Certificate of Good Standing, and that the application was now complete.

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

Tabled at 07/27/15 Meeting

7. Hearing: Andrew Dahill Post #1531, Veterans of Foreign Wars of the U.S.—NEED DOR CERTIFICATE

Patrick M. Flinn, Manager
477 Park Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1st 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 2015 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

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

Minutes of 06/22/15 Meeting

Present: Patrick M. Flinn, Manager/Treasurer

Responding to questions from Chairman Beauregard, Mr. Flinn stated, I took over as the Treasurer on the 7th of this month ... we were on a payment plan with the Department of Revenue ... but the previous person didn't keep up with that ... I've been in touch with Mr. Michael Flinn with the DOR ... I received a packet today with the exact amount that we owe ... \$62,000.00 ... however ... some of the money has been paid ... this should be resolved in about a week ... at which time they'll issue me the DOR Certificate.

When asked by Chairman Beauregard as to the amount that they actually owe, Mr. Flinn stated, probably about in the \$42,000.00 range ... it sounds like a lot of money ... but we do about \$250,000.00 a year ... roughly ... and there are also issues with two individuals which I'm doing an audit on ... regarding missing money ... but we do have a bond on the individuals ... if it is missing ... we have a bond for \$50,000.00 for recovery.

When asked by Chairman Beauregard as to how many members do they have, Mr. Flinn responded, we have about 138 members with about another 60-70 associate members, and that about 120 of the 198 are active members.

When asked by Chairman Beauregard as to when he anticipated he would have his DOR Certificate, Mr. Flinn responded, If I can work up the paperwork this week ... and submit next week ... I should have it within 30 days.

VOTED: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue by the June 1st deadline to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to complete their application; with the stipulation that if the application is not complete by July 20th, the licensee must appear before the Board at its July 27th meeting to surrender their license.** – **Unanimous**

The licensee has 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 notice with a copy submitted to this office.**

(If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)

Minutes of 07/27/15 Meeting

Present: Atty. Edmond Sylvia along with Patrick Flynn, Manager

ACTION TAKEN: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.

ACTION TAKEN: --NONE--

Tabled at 06/22/15 Meeting

8. PETITION - Trans. # 111 – Plot # 64--325 (No Representation Required)--CLUB

Andrews-Dahill Post #1531, Veterans of Foreign Wars of the U.S., Wallace Houtman, (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, Wallace Houtman will be the President, Peter Gonzalez will be the Treasurer, and Patrick M. Flinn will be the Secretary; and Rodney J. Quinn, Robert A. Holt, Jose M. Dias, Jose F. Alymeda, and Orlando C. Ocano will all be Co-Directors. Premises will remain the same at 477 Park Street. *(No Advertisement nor Abutters Notification Required)*

Minutes of 06/22/15 Meeting

VOTED: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue, which is required to complete their application; Commissioner Almeida made a motion to **table the matter until such a time that said certificate is submitted to complete the application.** – **Unanimous**

ACTION TAKEN: --NONE--

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

Mr. Thomas A. Kerns, Manager

908 Purchase Street

Closed 07/03/15 - Estimated

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

Violation: Licensing Board Regulation No.20

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

Therefore, **you are required to surrender your license to the Board that evening** until such a time you have initiated one of the following three options:

- 1.) To be open and operating at the approved location as stated on your license;
- 2.) Receive approval for a change of location and a date certain for the opening at the new location;
- 3.) Receive approval for the sale and transfer of the license to a new owner.

Present: Thomas Kern, Owner

When asked by Chairman Beauregard as to what his plans were for his liquor license, Mr. Kerns responded, the license is currently up for sale ... if comes down to the end of the year ... I may give to charity ... if I don't sell it ... I don't know ... at this point I just don't know.

In response, Chairman Beauregard asked Mr. Kern if he was prepared to sign the renewal in November and pay the license fee in December, to which Mr. Kern responded that he was; and he also apologized for not turning in his license in a timely manner.

Mr. Nanopoulos recommended that the matter be tabled to the November meeting, as was previously voted on the other inactive license, with the standard notice.

VOTED: Commissioner Almeida made a motion to **table the matter until the Board's November 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, 2015 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. – **Unanimous**

Tabled at 02/23/15 Meeting10. Hearing: Ransan Rotisserie, Inc. d/b/a Braza RotisserieMr. Randy R. Cardoso, Owner566 Pleasant Street**Closed 12/31/13 – License for Sale**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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 Wine & Malt Only Beverages License.

Minutes of 01/21/15 MeetingPresent: Randy R. Cardoso, Owner

Based on the information provided to this Board regarding a pending application related to the soccer club on Nash Road, the Board voted unanimously once again to table the matter, until the Licensing Board’s February 23, 2015 Meeting.

Minutes of 02/23/15 MeetingPresent: Randy R. Cardoso, Owner; Atty. Michael Medeiros who represents Isaiah Furtado, Prospective Buyer

Atty. Medeiros stated that he’s been engaged by Mr. Isaiah Furtado, who’s an individual that owns Portugal Verde Soccer Academy, Inc. located at 424 Nash Road; who is going to be a prospective buyer of this liquor license.

Atty. Medeiros stated that he’s been given some specifics about the deal but I have not had an opportunity to put together a purchase and sales agreement; but I anticipate doing so within the next thirty days.

Chairman Beauregard informed Atty. Medeiros that the Board has had some issues with Mr. Furtado in the past, and that the Board would have to take a close look at the application, if one is submitted.

Atty. Medeiros stated that he would address the Board’s concerns regarding prior issues with Mr. Furtado, and that they would be mindful of that prior to going forward; and added that the only reason he was present was to explain the nature of the discussion between this individual and my client.

Chairman Beauregard advised Mr. Cardoso that he should keep looking for a buyer just in case this deal doesn’t materialize, although Atty. Medeiros stated that his client was committed to the deal; and that he would work with his client to address any concerns the Board may have.

Voted: On a motion by Commissioner Almeida, the Board voted unanimously to table the matter to the May Board meeting.

Minutes of 07/27/15 MeetingPresent: Licensee was excused from attending.

Mr. Nanopoulos informed the Board that a transfer application was in the process of being prepared to transfer the license to the soccer facility on Nash Road, therefore, he notified Mr. Cardoso that his presence was not required at this meeting; but he would have to appear at the August 24th meeting.

ACTION TAKEN: --None--Present: Licensee was excused from attending.

Mr. Nanopoulos once again informed the Board that a transfer application was in the process of being prepared to transfer the license to the soccer facility on Nash Road, therefore, he notified Mr. Cardoso that his presence was not required at this meeting; but he would have to appear at the September 21st meeting.

ACTION TAKEN: --None--

VOTED: Commissioner Almeida made a motion to remove Item #11 from the table. - **Unanimous**

Tabled at 07/27/15 Meeting11. Hearing: Cultivator Shoals, Inc. d/b/a CultivatorMr. Jason P. Lanagan, Owner

29 Union Street

Transfer Approved - 10/01/14

Change of Description Approved – 01/16/15

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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 Wine & Malt Only Beverages License.

Minutes of 08/25/14 MeetingPresent: Jason P. Lanagan, Owner/Proposed Manager

When asked by Mr. Nanopoulos as to when he planned on re-opening, we’re projected to re-open by the end of this year (2014).

Minutes of 07/27/15 MeetingPresent: Licensee was excused from attending.

Mr. Nanopoulos informed the Board that a possible transfer was in the works, therefore, he notified Mr. Lanagan that his presence was not required at this meeting; but he would have to appear at the August 24th meeting.

VOTED: The matter was tabled to Board’s August meeting on a motion by Commissioner Almeida. – **Unanimous**

Present: Jason P. Lanagan, Owner

When asked by Chairman Beauregard as to what his plans were for his liquor license, Mr. Lanagan stated that renovations were still ongoing, and that he sold his Wine & Malt license DNB Burgers; and that he had purchased the all alcohol license from Major League Burgers; and that the plan is to have both transfer applications complete, so that they may be put on the September 21st agenda for approval.

VOTED: Commissioner Almeida made a motion to table the matter until the Board’s November meeting. – **Unanimous**

Tabled at 07/27/15 Meeting12. Hearing: Sapatinha’s Café, Inc. d/b/a Euphoria LoungeMr. Jose G. Borges, Jr., Owner289 Acushnet Avenue**Closed/Fire 01/26/15 – Ongoing Renovations**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

Minutes of 07/27/15 MeetingPresent: Jose Borges, Jr., Owner/Manager

Responding to questions from Chairman Beauregard, Mr. Borges stated that the establishment was undergoing some renovations due to a fire that occurred in January; and that he bought the building from his father and that he would be doing a transfer of license and change of license type, which would be all in his name only.

When asked by Chairman Beauregard as to when he planned on being up and running, Mr. Borges stated that there have been delays waiting for plans and windows, and that there has already been 7 months of construction that has been completed.

When asked by Chairman Beauregard if he's been in contact with Mr. Romanowicz (Commissioner of Buildings), Mr. Borges responded, the Building Department stopped us completing the renovations because they were lowering our capacity to 49 patrons because we took the double doors out in the front of the building based on his architect's opinion that it wasn't needed; and when I did, the Building Department said, I'm going to drop your capacity down to 49 based on that change. Mr. Borges added that his architect stated that he didn't need double doors if his capacity was fewer than one hundred, but based on what the Building Department told him, his plans were being revised to add double doors on the rear entrance/exit of the building.

Chairman Beauregard then referenced the plans that were currently before the Board, which were provided by Mr. Borges, which showed the double doors on the north side of the building on School Street, to which Mr. Borges stated, we submitted a plan where the door is now with the only difference being that the door got wider because of the double doors. In discussing the matter of where the doors were located, there was some confusion between the plans that were being referenced by Chairman Beauregard, and the plans being referred to by Mr. Borges.

Chairman Beauregard voiced his displeasure with the main entrance now being in the back of the building, since that's where the double doors would now be located, and that neither the Board nor Mr. Romanowicz would have approved that change; adding, if you just went ahead and said, I'm not going to put it on the north side ... I'm just going to put it in the back of the building.

Mr. Borges responded, that's not what happened ... what happened was ... the door that was going to be on the School Street side ... just didn't work ... I changed what the Building Department told me to change; and added, I didn't want it back there either, that's what they were asking for.

Chairman Beauregard suggested to Mr. Borges that he have a conversation with Mr. Romanowicz regarding the location of the doors, due to the fact that the plans that were presented to the Board show something different to what's there now.

Mr. Nanopoulos clarified the matter by stating that the plans being referred to by Mr. Borges were never approved by the Board, and that there was now a new set of plans the Board has not seen, since they have not been submitted to the Board for approval, as of yet. Mr. Nanopoulos also informed Mr. Borges that he needed to submit the application for transfer and change of license type as soon as possible, which should include the final plans approved by the Building Department.

Chairman Beauregard strongly recommended to Mr. Borges, that no further work be done regarding the doors until such a time that plans have been submitted to Mr. Romanowicz and to this Board, and they've been approved by both departments.

VOTED: On a motion by Commissioner Almeida, the matter was tabled to the Board's August meeting. – **Unanimous**

Present: Licensee did not appear as requested.

The Board instructed Mr. Nanopoulos to re-notify Mr. Borges for September 21st meeting.

ACTION TAKEN: --None--

NOTE: In attendance were Danny Romanowicz, Commissioner of Buildings, and Mr. William Whalen, who's currently the owner of the abutting parking lot, which is contiguous to the property owned by Mr. Borges to the south and west of the building. At the request of Chairman Beauregard, both Mr. Romanowicz and Mr. Whalen agreed to address any concerns that they or the Board may have regarding the ongoing renovations as a result of a fire earlier in the year. The discussion was limited to the changes in means of egress to the building.

VOTED: Commissioner Almeida made a motion to remove Item #13 from the table. - **Unanimous**

Tabled at 07/27/15 Meeting

13. Hearing: Nabih Moujabber d/b/a Lebanese Kitchen

Mr. Nabih Moujabber, Licensee

1487-1489 Purchase Street

Closed 07/12/14 – Renovations (Fire)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

Minutes of 12/22/14 Meeting

As a result of the open hearing held on December 22, 2014 to determine the status of your annual liquor license for the year 2014, and to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2015 renewal application; **this Board voted unanimously to approve the renewal of your license for '2015,' and to table the matter until The Board's July 27, 2015 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 July 1, 2015 to initiate one (1) of the following three (3) options prior to this date:**

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

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

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

Minutes of 07/27/15 Meeting

Present: Licensee Did Not Appear As Requested

VOTED: The matter was tabled to Board's August meeting on a motion by Commissioner Almeida. – **Unanimous**

Present: Nabih Moujabber, Licensee

Upon discussing the matter at great length with Mr. Moujabber, and taking into consideration the circumstances (fire) that caused the closure, as well as Mr. Moujabber's efforts to this point to re-open his business at one of two locations; the Board voted unanimously to **table the matter until this Board's November 16, 2015 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, 2015 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.

Notes: Mr. Moujabber stated that he was prepared to renew and pay for his license for 2016; Chairman Beauregard instructed Mr. Moujabber to contact Mr. Romanowicz in order to get the approvals he needs to move forward on whichever site he chooses to re-open at. (Original Site or Car Barn site); Mr. Nanopoulos also reminded Mr. Moujabber that he would be required to submit an application for a change of location, if he were to choose to re-locate to the Car Barn location, and that process could take 6-8 to weeks.

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

Ms. Kristina Morrow, Manager/Co-Owner

1669 Acushnet Avenue

Change of Location Approved – 06/11/15

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

*****LICENSEE DID NOT APPEAR AS REQUESTED AT 07/27/15 MEETING*****

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

Mr. Nanopoulos informed the Board that Mr. Bucha picked up their licenses and that he stated that they planned on opening this Friday (August 28th), and that they would start serving food in a couple of weeks; and recommended that no further action be taken at this time.

VOTED: Commissioner Almeida made a motion that no further action be taken at this time. - **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 15 - 23** at one time; waive reading; and approve the applications as presented - **Unanimous**

15. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "VIP Membership Lounge Fundraiser"; to be held in the "**Penler Space**", located at **686 Purchase Street**; and to be held on **Saturday, August 1, 2015, from 6:00 p.m. until 10:00 p.m.**

16. APPLICATION, (No Representation Required)

N. B. Harbor Development Commission, Dagny Ashley, 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 21, 2015, from 6:00 p.m. until 8:00 p.m.** (To Benefit the Seaport Art Walk)

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

17. APPLICATION, (No Representation Required)

O'Melia/Maura Wedding Party, JoAnne Maura, Applicant, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Wedding Reception' to be held at the **Fort Taber Community Center**, located in **Fort Taber Park**; and to be held on **Sunday, August 23, 2015, from 2:00 p.m. until 6:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured.*)

18. 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 '60th Birthday Party', 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 **Sunday, August 23, 2015, from 12:00 p.m. until 5:00 p.m.**

19. APPLICATION, (No Representation Required)

Helping Hands of Farmers, Joseph Pereira, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'St. Jude Fundraiser' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, September 5, 2015, from 6:00 p.m. until 11:30 p.m.**

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

20. APPLICATION, (No Representation Required)

New Bedford Art Museum, Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Opening Reception' to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, September 18, 2015, from 6:00 p.m. until 8:00 p.m.**

21. APPLICATION, (No Representation Required)—"LATE FILE"

New Bedford Symphony Orchestra, Martha Gannon, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a '100th Anniversary Party' to be held at the **Star Store Building (Bristol Community College)**, located at **800 Purchase Street**; and to be held on **Saturday, September 19, 2015, from 5:00 p.m. until 7:00 p.m.**

22. 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 within the **New Bedford State Pier Building**, located at **93 State Pier**; and to be held on **Friday, October 2, 2015 from 5:30 p.m. until 9:00 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****

23. APPLICATION, (No Representation Required)

South Coast Business Alliance, Nick Francis, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '10th 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 3, 2015 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****

24. Hearing: Route Six Properties, Inc. d/b/a Temptation

Mr. Steven M. Camara, Manager/Owner

161 Pope's Island

Your presence and that of **Paul Vasconcelos** is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission (ABCC) Regulations and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to suspend your license until this matter is resolved.

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,

Each Corporate Licensee shall appoint a Manager who shall have full authority and control of the premises and who shall be satisfactory to the Board; immediate notice of the appointment must be made to the Board in writing.

This hearing will focus on the control and operations of the licensed premises, as well as your failure to comply with Mass. Tax Laws; and your failure to submit certain documents to complete your application for a Change of Manager, which was returned by the ABCC on 05/27/15. The Board is deeply concerned that you have failed to address those issues in a timely manner.

Present: Steven M. Camara, Licensee and Steve Barreira, Asst. Manager

Mr. Nanopoulos informed the Board that a written request for a continuance was received on Friday, which stated, that Atty. Matthews was out of the country and Mr. Vasconcelos was out of town, and therefore they were unable to attend tonight's meeting.

When asked by Chairman Beauregard if he had received a copy of the written decision that was prepared granting the continuance, which included the following:

"Please be advised that any outstanding issues with the Department of Unemployment Assistance (DUA) must be resolved prior to this hearing. Upon compliance, you are required to submit to this office a certificate of good standing from the DUA.

Additionally the proposed new manager must submit a new Personal Information Form. Both documents must be submitted to this office **by September 18, 2015.**

Failure to address these issues will be just cause to suspend your license until these matters are resolved."

Mr. Camara stated that he did.

When asked by Chairman Beauregard if he was running this establishment now and if he was on site in that capacity, Mr. Camara responded, yes I am.

When asked by Chairman Beauregard if he would be able to get a Certificate of Good Standing from the DUA by the September meeting, Mr. Camara responded, I believe I will.

When asked by Chairman Beauregard if they would be able to submit a new Personal information form for Mr. Vasconcelos by the September meeting as well, Mr. Barreira stated that he spoke with Mr. Vasconcelos and that he stated he would come in to see Mr. Nanopoulos when he gets back into town at the end of the week.

Mr. Nanopoulos clarified that the issue that needed to be addressed was in regards to question #3 on that form, and that the question needed to be addressed complete, as stated on the form.

VOTED: Commissioner Almeida made a motion to receive the written request for a continuance, from Atty. Matthews on behalf of his client, and place it on file; and to grant the continuance and to table the matter to the Board's September 21st meeting. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove Item #25 from the table. - **Unanimous**

Tabled at 07/27/15 Meeting

25. Hearing: O'Escondidinho, Inc.

d/b/a Sebastian's Café & Sports Bar

Ms. Renee Y. Sebastian, Manager

110-12-14-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 by the City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to suspend your license.

This hearing will focus on an incident and the facts surrounding an incident that occurred outside of your establishment on Saturday, June 6, 2015, during which a patron was assaulted and robbed as he left your establishment.

The Licensing Board is especially troubled that, although your bartender came to the rescue of the patron, and witnessed who the assailants were, she refused to assist the police in their investigation. When asked her name and description of the males, she told the officers, "I don't want to get involved and that's all I'm saying." The police also stated that as the bartender was driving away, she yelled out to the victim in Portuguese, "Did you tell them anything?"

The potential violations are as follows:

M.G.L. Ch. 138, sec. 63A-

It is a violation to hinder, delay, or refuse to provide information to any authorized agent of the local licensing authority.

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

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

Licensing Board Regulations No.12-

Premises must at all times be kept safe.

Date and time of alleged violations: Saturday, June 6, 2015 @ approximately 2:07 a.m. - Police Report #15-6820-OF

LATE FILE - A written request was submitted on 07/23/15 by Atty. Medeiros on behalf of O'Escondidinho, Inc., requesting that tonight's scheduled hearing be continued (Tabled) until the August 24th meeting.

Present: Atty. Michael Medeiros along with Renee Sebastian, Co-Owner/Manager, Natalie DeFonseca, Bartender, and Jose Ramos, Victim of Assault; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Pedro Marco, Reporting Officer

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

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

Chairman Beauregard opened the hearing by asking Officer Marco to either summarize or read his report regarding the incident that occurred on June 6, 2015.

Officer Marco proceeded to give his testimony as to what was documented in his Police Report regarding this incident, as noted and summarized in the 'Hearing Notice'.

Upon hearing the Reporting officers' testimony, Atty. Medeiros questioned the officer as well as did the Board.

Ms. DeFonseca and Mr. Ramos also presented testimony that made it unclear if the assault took place inside the establishment and if the assailant was even a patron of Sebastian's that evening.

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 with no further action at this time.** The Board's decision was based on the fact that the evidence presented did not clearly indicate where the incident occurred, and if the victim and/or the assailants were patrons of the establishment. The Board also took into consideration that the licensee had already taken steps to instruct all her employees, in whatever capacity they may serve, that they will ensure that they are co-operative with police officers in the future.

The following written decision was issued to the licensee on 08/27/15:

Although the Board took no action, please be advised once again of the following ABCC and Licensing Board Regulations:

M.G.L. Ch. 138, sec. 63A-

It is a violation to hinder, delay, or refuse to provide information to any authorized agent of the local licensing authority.

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

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

Licensing Board Regulations No.12-

Premises must at all times be kept safe.

As this Board reminded you at the meeting, it is a violation to permit any illegality on or about your premises and if your staff feels that they or any of your patrons may be in any danger, they should contact the police immediately.

26. PETITION - Trans. # 094 – Plot # 106—85 (No Representation Required) --- “LATE FILE”

Sugar & Pico, Inc., Jose Matos, President, is requesting a Change of d/b/a from Sugar Daddy's Campino Lounge to 'The Camp'; premise will remain the same at 821 South First Street.

Present: *No one was required to appear.*

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**

- **CORRESPONDENCE**

---NONE--

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
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-NONE-

- **NEXT TWO MEETING DATES:** Monday, September 21st & Monday, October 19th both in Room 314 - **Approved**

- **MEETING ADJOURNED:** 8:05 p.m.