

**PRESENT:** Steven A. Beauregard, Chairman  
 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.  
 Nick Nanopoulos, Director

❖ **VOTE TO ACCEPT THE MEETING MINUTES OF FEBRUARY 25, 2019 - Unanimous**

• **APPROVALS RECEIVED FROM THE ABCC (4)**

**Change of d/b/a - Trans. # 04571-RS-07778 – Plot # 24--119**

A.O.F. New Bedford, Inc. Amaldo Oliveira, President is petitioning for a **Change of d/b/a from Fernando’s Sports Bar to New Bedford Sports Bar.**

**Approved by the ABCC – 07/25/19**

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

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

**St. Michael Social Club, Inc., Nelson Tavares, 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, Nelson Tavares will remain as the President and a Co-Director, Horacio Tavares will be the (new) Vice-President and a Co-Director, Jay Williams will be the (new) Treasurer and a Director, and Luis Pacheco will be the (new) Clerk and a Co-Director; and Fernando Pacheco, (new) Duarte Carreiro, and (new) Jessie Moniz will all be Co-Directors. **Nelson Tavares will remain as the Manager.** Premises will remain the same at **101 Madeira Avenue.**

**Approved by the ABCC – 07/30/19**

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

**Transfer & Pledge of License – (Old Lic. #00009-RS-0778) New Lic. # 05083-RS-0778 – Plot # 15--59**

**Unidos, Inc. d/b/a Alianca Restaurant, Rui M. DeMatos, Sole Shareholder**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Alianca 1, Inc. d/b/a Alianca.** Upon approval, Susan Amaral will be the President, Treasurer, Secretary, Sole Director, and the Sole Shareholder (100%); **Susan Amaral** is also the **Proposed Manager of the Liquor License.** The petitioner is also requesting approval of a **Pledge of the Common Victualler All Alcoholic Beverages License to Unidos, Inc.** with a business address of **96-98 Cove Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred Thousand Dollars (\$100,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** The premises will remain the same as follows: Premise consists of a dining room, bar area with additional seating, kitchen, three restrooms in an area approximately 2,300 sq. ft. on the first floor of a three-story building with stock in the basement. The premise is situated on the southeast corner of Cove and McGurk Streets, and is numbered **98 Cove Street.**

Final approval will require a **‘Change of Tenant’** from the Building Department, a new **‘Food Permit’** from the Health Department, and **‘Proof of Liquor Liability’.**

**Approved by the ABCC – 07/31/19**

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

**Change of Manager - Trans. # 00082-HT-0778 – Plot # 94-2**

**Emerald Partnership, LTD. d/b/a Whaler Inn & Suites & Conference Center/Ryan’s Pub & Billiards, 500 Hathaway Road,** is requesting the approval of **Maria M. Andrade-Hermort**, who resides at 59 Jonathan Street, New Bedford, MA. as **their new manager.**

**Approved by the ABCC – 08/08/19**

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

**1. Petition - Trans. #00100-RS-0778 – Plot # 97--175**

**Ying Dynasty Nauset, LLC d/b/a Ying Dynasty, Shang Ying Zhao, Manager of LLC**, who is requesting a **Change of LLC Member; as well as a request to Alter the Premises to reduce the size of the licensed premises and a Change of Location (Address) from 114-116 Nauset Street to 114 Nauset Street** of the Common Victualler (Restaurant) All Alcoholic Beverages License. The petitioner is requesting that the resignation of Melanie Zhao as a Member of the LLC be accepted. Upon approval, Shang Ying Zhao will remain as the Manager and Sole Interest Holder (100%) of the LLC, and **Shang Xiong Zhao** will remain as a Member of the LLC and **Manager of the Liquor License**. The new description of the premises will read as follows: The licensed premises will consist of two rooms within an area approximately 4,600 sq. ft. on the first floor of a street level building. The first room includes a dining area, bar area, hostess area, liquor storage area, kitchen and storage area and three restrooms; and a second room for additional dining. The premises, which is situated on the south side of Nauset Street between Mt. Pleasant and Myrtle Streets, will have three (3) entrances/exits in the front of the building onto Nauset Street, and three (3) emergency exits in the rear of the building, and **will be numbered 114 Nauset Street**.

Final approval will require a **‘Certificate of Inspection’** from the Building Department, a **‘Food Permit’** from the Health Department, **‘Proof of Liquor Liability’**, and a **304 Certificate from the Fire & Building Depts**.

*Application has been advertised; Abutters Have Been Notified*

**Present: Atty. Christopher M. Markey along with Shang Ying Zhao, Manager of LLC**

Responding to questions from Chairman Beauregard, Atty. Markey stated that he was able to secure a DOR Certificate but since his client has never been open, he was unable to secure a DUA Certificate, but he did submit an affidavit stating the same, to complete the application.

He went on to state that a Building Permit has been issued and that his client is reducing the size of the project at this time, wo that he can get the doors open; so he will be renovating the south side of the building (The Continental Tavern space) and will be reducing the space by 50% at the present time; and he plans to open by December 1, 2019.

**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 07/22/19 Meeting*

**2. Hearing: Ying Dynasty Nauset, LLC**

**Mr. Shang Ying Zhao, Manager**

**114-116 Nauset Street**

As previously discussed, because of changes made to your corporate structure as well as the description of your premises, you had been advised to file an application to address these changes. To date, said application has not been filed.

As a result of your failure to comply, you are required to attend a hearing to address this issue.

**\*\*Matter Has Been Ongoing Since 05/11/18---Matter Was Last Discussed At the 02/25/19 Meeting\*\***

**Written Decision of 06/24/19**

As a result of the open hearing held on Monday, June 17, 2019, regarding your failure to submit an application to address certain changes you’ve made to your corporate structure as well as the planned changes to the description (reduction in size) of your premises; the Board voted unanimously to table the matter for thirty (30) days, to give you sufficient time to submit an application to address those issues.

The Board’s decision was based on the assurances by your Attorney (Christopher Markey) that he would have an application submitted by July 3, 2019, so that it may be placed on the July 22, 2019 Agenda.

The Board has the expectation that an application will be filed in a timely manner, if so, you will not be required to attend the July 22, 2019 meeting.

**Voted:** Commissioner Almeida made a motion to remove item # 2 and that no further action be taken regarding this matter. - **Unanimous**

**3. Petition - Trans. # 00109-GP-0778 – Plot # 19--53**

**United Fishermen Club, Inc., Francisco J. Dos Santos, (new) President**, who is petitioning for a **Change of Officers, Directors, and Manager of the General on Premise (Non-Profit Club) All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers, Directors, and Manager currently on file with the Alcoholic Beverages Control Commission be accepted. Upon approval, Francisco J. Dos Santos will be the President and a Co-Director, Leo Almeida will be the Vice-President and a Co-Director, Maria Dos Santos will be the Treasurer and a Co-Director, and Manuel Vieira will be the Secretary and a Co-Director; The ‘Club’ is also requesting the approval of **Francisco Dos Santos**, who resides at **53 Calumet Street, New Bedford, MA. as their new Manager**. Premises will remain the same at **639 Orchard Street**.

***No Advertisement nor Abutters Notification Required******Present: Atty. Christopher M. Markey along with Francisco J. Dos Santos, Proposed New Officer/Manager***

Atty. Markey stated that the outstanding DOR issue had not yet been resolved but he had spoken with Mr. Dos Santos earlier in the day, and he assured him that an outstanding debt would be paid by 4 p.m. tomorrow (Tuesday, August 27, 2019); and that he would drop off a proof of payment by 4 p.m.

Upon discussing the matter with the Board, it was agreed that if a DOR Certificate of Good Standing was not submitted to the Licensing Board Office by Friday, August 30, 2019, the club would have to surrender their liquor license until such a time as a certificate was submitted.

**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 pending receipt of the DOR Certificate; with a stipulation that Mr. Dos Santos submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of 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.

– **Unanimous**

***Tabled at 07/22/19 Meeting*****4. Hearing: United Fishermen Club, Inc.**

**Mr. Jose Santos, President**

**639 Orchard Street**

This office has been informed that there has been a change of Officers and Directors, and that Mark Custodio has resigned his position as an officer and manager of the organization. As your organization is aware from past practices, an application for change of manager as well as the new slate of Officers and Directors must be filed immediately. Please be advised that should representation fail to appear; this Board may immediately suspend your General on Premise All Alcoholic Beverages License until this matter is resolved.

The Board also requests that you bring with you your 2019 Liquor License to the hearing as you may be required to relinquish same depending on the Board's findings.

**\*\*Matter Has Been Ongoing Since the 10/23/17 Meeting---Matter Was Last Discussed At the 02/25/19 Meeting\*\***

**Written Decision of 06/24/19**

As a result of the open hearing held on Monday, June 17, 2019, regarding your failure to submit an application to address certain changes you've made to your corporate structure as well as naming a new manager; the Board voted unanimously to table the matter for thirty (30) days, to give you sufficient time to submit an application to address those issues.

The Board's decision was based on the assurances by your Attorney (Christopher Markey) that he would have an application submitted by July 3, 2019, so that it may be placed on the July 22, 2019 Agenda.

The Board has the expectation that an application will be filed in a timely manner, if so, you will not be required to attend the July 22, 2019 meeting.

***Present: Atty. Christopher M. Markey along with Francisco J. Dos Santos, Proposed New Officer/Manager***

**VOTED:** Commissioner Almeida made a motion to table the matter to the Board's September Meeting; along with the stipulation that the liquor license would have to be surrendered if a DOR Certificate of was not submitted by Friday, August 30, 2019. – **Unanimous**

**5. Petition - Trans. #00084-RS-0778 – Plot # 46--32**

**Columbus Group, LLC d/b/a New Bedford Harbor Hotel, Xiaohui Yang, Manager of the LLC, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to NB Hotel MT, LLC d/b/a New Bedford Harbor Hotel. The applicant is also requesting the following approvals: a Change of License Type from a Restaurant license to a Hotel (Innholder) license, a Change of Location from 218 Union Street to 218-222 Union Street, and a Change of Description of the Licensed Premises to include an additional room to be used for functions (222 Union St.) and the addition of the Sixty-Eight (68) Hotel Rooms onto the description of the license.** Upon approval, Xiaohui Yang aka Shiawee Yang will be the Sole Manager of the LLC and a Co-Interest Holder (1%); and N. B. Hotel MT, LLC (Twain HTC Fund VII, LLC) will be a Co-Interest Holder (99%) in the LLC; and **Theodore Giannino is the Proposed Manager of the Liquor License.** The revised description of the premises will read as follows: The 'Boutique' Hotel consists of the entire five - story building with an area approximately 37,260 sq. ft., which includes a 5,000 sq. ft. area on the first floor that includes a Dining and Bar area, Kitchen area, and Hotel Lobby and Registration Desk area, and two Restrooms; there will also be an additional area approximately 2,752 sq. ft., also on the first floor of a five - story building, which is contiguous to the dining area on the east side of the first floor area and will be used as a meeting and function area, and will have a portable bar and two Restrooms.

Alcohol will also be served in the Sixty-Eight (68) rooms located on floors 2-5 and there is also an area for the storage of alcohol in the basement.

The 'hotel' side of the licensed premises will have one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) entrances/exits into a common area, in which the hotel elevator is located, which will have two additional emergency exits; The function side will also have one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) means of egress by way of the common area and from the hotel side of the premises. The premise is situated on the south side of Union Street, on the corner of Union and Pleasant Streets, and is **numbered 218-222 Union Street**.

Final approval will require a '**Change of Tenant**' from the Building Department, a '**Food Permit**' from the Health Department, '**Proof of Liquor Liability**', and a **304 Certificate from the Fire & Building Depts**.

***Application has been advertised; Abutters Have Been Notified***

***Present: Atty. Christopher M. Markey along with Theodore Giannino, Proposed New Manager***

Responding to questions from Chairman Beauregard, Atty. Markey stated that all outstanding issues that caused the initial application to be returned with no action taken by the ABCC have been addressed in the new application, which includes a new manager named. Atty. Markey continued his remarks by stating that Columbus Group, LLC is requesting a Transfer of the liquor License to NB Hotel MT, LLC, who will be managing the hotel along with a request for a Change of License Type from a Restaurant license to a Hotel (Innholder) license, a Change of Location from 218 Union Street to 218-222 Union Street, and a Change of Description of the Licensed Premises to include an additional room to be used for functions (222 Union St.) and the addition of the Sixty-Eight (68) Hotel Rooms onto the description of the license. Atty. Markey also explained the corporate and operational structure to the Board.

**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 pending receipt of the DOR Certificate; with a stipulation that Mr. Giannino submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of 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. –

**Unanimous**

**Voted:** Commissioner Almeida made a motion to **remove Item #6 with no further action** based on the receipt of the required application (Item # 5). – **Unanimous**

***Tabled at 07/22/19 Meeting***

**6. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant ---- "No Further Action Required"**

**Ms. Xiaohui Yang, Owner**  
**218 Union Street**

As you are aware, the Alcoholic Beverages Control Commission (ABCC) returned your application because the following issues need to be addressed. Please be advised that this matter has been pending since the declination of November 11, 2018.

1. A transfer from Columbus Group, LLC to NB Hotel MT, LLC;
2. A change of license type from a restaurant to a hotel;
3. A change of location from 218 Union Street to 218 - 222 Union Street;
4. A Change of Description

In order for these issues to be resolved, you are required to attend a hearing to address this issue

**\*\*Matter Has Been Ongoing Since 03/16/18---Matter Was Last Discussed at the 02/25/19 Meeting\*\***

**Written Decision of 06/24/19**

As a result of the open hearing held on Monday, June 17, 2019, regarding your failure to submit an application to address certain changes you've made to your corporate operation as well as other changes to your issued license; the Board voted unanimously to table the matter for thirty (30) days, to give you sufficient time to submit an application to address those issues.

The Board's decision was based on the assurances by your Attorney (Christopher M. Markey) that he would have an application submitted by July 3, 2019, so that it may be placed on the July 22, 2019 Agenda to address the following issues:

1. A transfer from Columbus Group, LLC to NB Hotel MT, LLC;
2. A change of license type from a restaurant to a hotel;
3. A change of location from 218 Union Street to 218 - 222 Union Street;
4. A Change of Description
5. Approval of a Management Agreement with Waterford Hotel Group

The Board has the expectation that an application will be filed in a timely manner, if so, you will not be required to attend the July 22, 2019 meeting.

**7. Petition - Trans. # 00102-RS-0778 – Plot # 93--180**

**Rookies Bar & Grill, Inc., Jacinto Camara, President** who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Taqueria La Raza, Inc.** Upon approval, **Petronila D. De La Rosa** will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); and the **Proposed Manager**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Taunton Federal Credit Union**, as security to authorize and execute a promissory note in the amount of **Ninety Thousand Dollars (\$90,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The premises will remain the same as follows: the premise is located in an area approx. 3,252 sq. ft. that includes two rooms, with a kitchen, bar, and two restrooms on the first floor, with stock in the basement of a four-story building. There are two entrances and exits in the front of the building, which is situated on the east side of Acushnet Avenue between Sawyer and Holly Streets. The premises will remain numbered **1218 Acushnet Avenue**.

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: No one was required to appear.*

Mr. Nanopoulos informed the Board that he had received a call earlier in the day from Atty. (Christopher) Saunders, who requested that the matter be tabled until the Board’s September Meeting, as a result of an issue that arose with the financing with Taunton Credit Union.

**VOTED:** Commissioner Almeida made a motion to grant the request and to table the matter to the Board’s September Meeting. – **Unanimous**

**8. Petition - Trans. # 00127-PK-0778 – Plot # 102--83**

**New Bedford Liquor Company, Inc. d/b/a Silva’s Discount Liquors, Hoan Minh Le, President**, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to NB Liquors, Inc. d/b/a Silva’s Discount Liquors**. Upon Approval, Vijaykumar Patel will be the President, Treasurer, a Co-Director, and a Co-Shareholder (25%), Tarunkumar Patel will be the Secretary, Co-Director, and a Co-Shareholder (40%), and **Mehul Patel** will be a Co-Shareholder (35%) and the **Proposed Manager of the Liquor License**. The petitioner is also requesting approval of a **Pledge of the Retail Package Store License and Inventory of Retail Package Store All Alcoholic Beverages License to Rockland Trust Company**, with an address of **833 Ashley Boulevard, New Bedford, MA**. as security to authorize and execute a promissory note in the amount of **One Million & Seven Hundred-Fifty Thousand Dollars (\$1,750,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Premises will remain the same at **452 Mt. Pleasant Street**.

Final approval will require a **‘Change of Tenant’** from the Building Department and a copy of the new **‘Business Certificate’** from the Office of the City Clerk.

*Application has been advertised; Abutters’ Notification Not Required*

*Present: Atty. Matthew Porter along with Mehul Patel, Proposed manager*

Responding to questions from Chairman Beauregard, Atty. Porter stated on behalf of his client that this was a straight up transfer of a liquor license and that all three individuals on the application are experienced liquor license operators and that Mr. (Mehul) Patel has been working up in a store in Brookline as an Assistant Manager for the past five (5) years; adding that they don’t have any violations on any of their records and that there would be no alterations to the store or to the hours.

When asked by Chairman Beauregard as to how many hours he would be on site, Mr. Patel responded, forty to fifty hours.

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

**9. Petition - Trans. # 240 – Plot # N/A**

**Airport Grille, LLC d/b/a Airport Grille**, which is petitioning for a **New Common Victualler All Alcoholic Beverages license under a Commonwealth of Massachusetts Special Legislation – Chapter 619 of the Acts & Resolves of 1968**, which allows for an all alcoholic beverages license to be issued to be exercised only on the premises of the New Bedford Airport, which shall not be transferable from said Airport, and terminates, becomes null & void at the termination of the lease of the restaurant premises. Upon approval, David Sutz, Troy DeMelo, Stephen Furtado, and Ryan DeMelo will all be Co-Managers and Co-Interest Holders (25% ea.) of the LLC. **Kacey Marie Britto** will be the **Manager of the Liquor License**.

The existing premises consists of an area, approximately 2,000 sq. ft., which includes Two (2) rooms for dining, a small function room, a bar area along with a kitchen and storage area; The applicant is also **Petitioning to Alter the Premises** to include an outside patio area approximately 5,200 sq. ft., which will be enclosed by an 8 ft. airport approved chain-link fence. The enclosed area will consist of an area for dining, a fire pit, a small stage area, and an area for lawn games, which will be only accessible through the function room by way of hostess seating. The main entrance/exit is located inside the main terminal building into the restaurant, with a secondary entrance/exit located into the function room from the parking lot area; along with an emergency exit through the kitchen/storage area.

There are two (2) handicapped restrooms located in the ‘common area’ of the main terminal building, in which alcohol will not be allowed. Premise is situated on that part of the airport located in the City of New Bedford Main Terminal Building, which is under control of the New Bedford Airport Commission, and **numbered 1569 Shawmut Avenue.**

Final approval will require a ‘**Change of Tenant**’ from the Building Department, a ‘**Food Permit**’ from the Health Department, ‘**Proof of Liquor Liability**’, and a **304 Certificate from the Fire & Building Depts.**

*Application has been advertised; Abutters Have Been Notified*

***Present: David Slutz, Troy DeMelo, Stephen Furtado, and Ryan DeMelo, All Co-Owners long with Kacey Marie Britto, Proposed Manager of the Liquor License***

Responding to questions from Chairman Beaugard regarding the outside area which is a ‘New’ addition to the description, Mr. Slutz stated that the area would be approximately 5,200 sq. ft. which will be enclosed by an FAA approved fence; and would include a dining area (28’ x 30’) , a fire pit (14’ x 14’), a small stage area (12’x 10’), and an area for lawn games and would be only accessible through the function room by way of hostess seating.

When asked by Chairman Beaugard if there would be another means of egress, Mr. Slutz stated that they have discussed putting an emergency type exit (push bar) leading into the parking, which the Board agreed made sense in case of emergency. When asked by Chairman Beaugard as to the capacity of the outside area, Mr. (Troy) DeMelo estimated that it would be set up for 60-75 people, which would be a realistic number for the outside.

Chairman Beaugard stated that he had no problem with the restaurant, he was just trying to get a handle on the outside area. When asked by Chairman Beaugard as to the operating hours outside, Mr. Slutz stated that it would be open until 11:00 p.m. It was agreed that a secondary door to the outside area would be installed either on the outside fencing or through the terminal area; and that there would be a ‘Hostess Station’ located at the entrance to the outside area.

Mr. Nanopoulos informed the applicants that since they were not sprinklered, their total capacity both inside and outside could not exceed 99 patrons, and that they should contact Mr. Romanowicz, the Commissioner of Buildings for further clarification. Mr. Nanopoulos also informed the applicants that he would need a signed lease approved by the Airport Commission, approved and signed by the City Council, and signed by the Mayor, prior to the application being sent to the ABCC for approval.

When asked by Chairman Beaugard as to what type of entertainment they would be offering, Mr. (Troy) DeMelo responded, mostly acoustic.

Responding to questions from Chairman Beaugard, Ms. Britto stated that she’s managed a few restaurants and that she has 15 years of experience in the liquor industry and that she was T.I.P.S. Certified; and that she would be on the premises 45-50 hours a week.

**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 a stipulation that Ms. Britto submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of approval or prior; and that all her employees be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

*Tabled at 07/22/19 Meeting*

**10. Hearing: EMR Grill, INC. d/b/a Butler Flats Bar & Grill**

**Mr. Emanuel M. Ramos, Manager/Owner**

**38-42 Cove Street**

**Re: Approved 07/23/18**

**Prior Renewal Hearings: (3)**

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 314, on Monday evening, August 26, 2019 at 7:00 p.m.**, to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

**Decision of 07/22/19 Meeting**

As a result of the open hearing held on Monday, July 22, 2019 to determine the status of your annual liquor license for the year 2019, the **Board voted unanimously to table the matter until this Board’s August 26, 2019 meeting.**

The Board’s decision was based on your intention to open as soon as you’ve received your final approvals.

The Board has the expectation that you will be **operational by August 23, 2019**, if so, you will not be required to attend the August 26, 2019 meeting.

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

Mr. Nanopoulos informed the Board that Mr. Ramos packed up his licenses and was now open, therefore, no further action was required.

**VOTED:** Commissioner Almeida made a motion **to remove Item #'s 10 from the table with no further action to be taken. – Unanimous**

**\*\*\* Special One-Day Licenses (10) \*\*\***

**11. 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 ‘Lecture/Reception’; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, August 1, 2019, from 6:00 p.m. until 7:00 p.m.**

**12. 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 ‘Concert Reception’; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, August 10, 2019, from 6:00 p.m. until 7:00 p.m.**

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

**Cynthia Garcia Retirement Committee, Cynthia A. Garcia, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘Retirement Party’; to be held in at the **Low Tide Yacht Club**, located within **FT. Taber Park**; and to be held on **Saturday, August 24, 2019 from 6 p.m. until 11:00 p. m.**

**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 ‘9<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 24, 2019, from 6:00 p.m. until 11:00 p.m. \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**Club Recordacoes De Portugal, Inc. Trish Chaves, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘90<sup>th</sup> Anniversary Celebration’; to be held in the “**Club Parking Lot**”, located at **253 Coggeshall Street**; and to be held on **Sunday, August 25, 2019 from 11:00 a.m. until 9:00 p. m.**

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

**16. APPLICATION, Representation Required)**

**Food Truck Festivals of America, LLC, Leslie Lakis, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for the ‘3<sup>rd</sup> Annual New Bedford Food Truck Festival’ to be held at **Fort Taber Park on the Great Lawn**; and to be held on **Saturday, September 14, 2019, from 11:00 p.m. until 5:00 p.m. (Last Call at 4:30 p.m.). \*\*\* A Security Plan has been submitted.\*\*\***

**(Liquor Liability with the City named as additionally insured on certificate is required along with a copy of the Police Detail Contract) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**Beverly Rebello, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'New Bedford Vocational Student' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, September 14, 2019, from 5:00 p.m. until 11:00 p.m. (Wristbands Will Be Issued)**

**18. 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 22, 2019, from 1:30 p.m. until 5:30 p.m. (Final approval will require a copy of the Police Detail Contract)**

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

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

**Dennison Memorial Community Center, Inc., Beatriz Oliveira, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Dennison Founders Award Dinner'; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, September 27, 2019, from 6:00 p.m. until 10:00 p.m.**

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

**Carl Lee Pacheco Memorial Trust Fund, Inc. Jeff Coutinho, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Carl Lee Pacheco Memorial Fundraiser'; to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Saturday, September 28, 2019, from 5:00 p.m. until 11:00 p.m.**

**21. Hearing: Tropicana Bar & Grille, Inc.**

**Mr. Miguel Barbosa, Manager/Co-Owner**  
**1700 Purchase Street**

Your presence is requested at a hearing of the New Bedford Licensing Board to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations and Licensing Board Rules and Regulations. The Board will review the proliferation of calls to service to your establishment by the New Bedford Police Department. There is continued concern regarding the number of late-night disturbances and incidents taking place in and around your establishment as well as a report of a minor being found on the premises. The Board has concerns where you were recently warned about these disturbances, yet they continue to occur which brings into question your ability to provide a safe and secure premise for your patrons.

Upon review of the facts, the Licensing Board may act to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

The potential violations are as follows:

**M.G.L Ch. 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 premise.

**Licensing Board Regulation Nos. 11 & 12-**

Excessive Noise, Crowds and 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 always be kept safe.

**Summary of Incident**

Police Department incident report states that while assigned to Station One Desk, Officers received a complaint from three females who stated that they were at Tropicana Bar & Grille when one of them was attacked at closing time (2:00 a.m.) when they were walking out of the bathroom. They stated that she was punched in the head and a fight ensued. During the fight, one of the attackers dropped a New Bedford High School Photo I.D. The check of the name on the I. D. came back as an individual with a date of birth of 09/29/96, which would make the female under that of the legal drinking age.



**Date and time of alleged violations: Saturday, June 8, 2019 @ approximately 2:00 a.m. - Police Report # 19-6490-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: Miguel Barbosa, Owner/Manager; Capt. Adelino Sousa, Liaison to the Licensing Board along with Det. Shawn Roberts, Reporting Officer**

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

Chairman Beauregard informed Mr. Barbosa that the reporting officer was present to read, summarize, or give testimony to what was contained in his reports; and at the conclusion of his 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 Det. Roberts to either summarize or read his reports and give the Board an overview of what was contained in his reports.

Det. Roberts gave his testimony as to what was contained in his report that was submitted to the Board and also gave an overview of what has been occurring on or about the licensed premise, which continues to be an ongoing problem; including serving intoxicated patrons and serving and having minors on or about the premises' as well as his failure to curtail disturbances by the patrons on and about the premises.

Mr. Barbosa was afforded ample opportunity to respond to the testimony that was presented by Det. Roberts, as well as addressing those concerns presented by the Board.

**VOTED:** On a motion by Commissioner Almeida, **the Board voted unanimously to suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of Ten (10) days with Five (5) days to be served with Five (5) days held in abeyance for one year, if no other violations occur. Additionally, the Board voted to place the license on probation for an additional year commencing on December 29, 2019.**

As a result of the hearing, of which an audio version is on file; the Board made the following decision:

**Board's Written Decision of 08/27/19**

Per the public hearing of August 26, 2019, this Board found that you violated ABCC Regulation 204 CMR 2.05 (2), specifically permitting an illegality to occur on the licensed premises; the Board also heard testimony and concurred that you also violated the following local Licensing Board Regulations.

#11 – Excessive Crowds and Objectionable persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule;

# 12 - Premise must always be kept safe.

As a result of the testimony presented, the Board voted unanimously to suspend your Common Victualler (Restaurant) All Alcoholic Beverages license for a period of Ten (10) days with Five (5) days to be served with Five (5) days held in abeyance for one year, if no other violations occur. Additionally, the Board voted to place you on probation for an additional year commencing on December 29, 2019.

The Board carefully considered the testimony of all parties which resulted in the above decision. The Board's decision was weighed heavily by the fact that not only was there a physical altercation but one of the patrons involved included an underage individual. The Board also noted that this was the 4<sup>th</sup> time this type of incident has occurred on your premises.

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.

**22. Hearing: Tropicana Bar & Grille, Inc.**

**Mr. Miguel Barbosa, Manager/Owner**  
**1700 Purchase Street**

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

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted based on the 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 Ch. 138, sec. 12)

**ACTION TAKEN: NONE****23. Hearing: Cork County, Inc. d/b/a Slainte Irish Pub & Grille****Mr. Barry W. Flynn, Manager****34 Union Street**

Your presence is requested at a hearing as a result of an incident that occurred within and outside of your establishment on June 10, 2019 at approximately 1:30 a.m.

The report states that a patron at your establishment filed a complaint that he and a friend were assaulted by your bouncers without cause. As you are aware, we have received a number of complaints regarding your bouncers acting in an overly aggressive and violent manner. Video of the incident confirms the complaint.

Based on our findings from the hearing, the Board may act to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

**Date and time of alleged violations: Sunday, June 9, 2019 @ approximately 1:30 a.m.**

**Police Report # 19-6632-OF**

**Present: Barry Flynn, Owner/Manager along with Catherine Carter-Flynn, Co-Owner; Capt. Adelino Sousa, Liaison to the Licensing Board along with Det. Shawn Roberts, Reporting Officer**

Upon discussing the matter briefly with Mr. Flynn, he was asked by the Board if he wanted to proceed without legal counsel or would he prefer the matter be tabled to the next meeting, so that he may have legal counsel present.

Mr. Flynn requested that the matter be tabled to the September meeting.

**VOTED:** Commissioner Almeida made a motion to grant the request and to table Items #'s 23 & 24 to the Board's September Meeting. – **Unanimous**

**24. Hearing: Cork County, Inc. d/b/a Slainte Irish Pub & Grille****Mr. Barry W. Flynn, Manager****34 Union Street**

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

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted based on 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 Ch. 138, sec. 12)

- **CORRESPONDENCE**

**From: Atty. Madelyn H. Genereux**

**Dated -07/10/19 Received - 07/12/19**

**Re: Alam & Sarker, LLC d/b/a Star Market**

**317-321 Rivet Street**

**Notice of Appeal: A written notice of an appeal to the ABCC, regarding the Licensing Board's Decision of February 25, 2019. to deny their application for a "New" Retail Package Store Wine & Malt Only Beverages license.**

**From: ABCC**

**Dated -03/12/19 Received - 03/13/19**

**Notice Of Hearing: You are hereby notified that a hearing will be held by the ABCC on June 20, 2019 at 10:00 a.m. regarding an appeal from the action of the City of New Bedford License Commission for denying the sec. 15 Wines and Malt Beverages Retail Package Store Application of Alam and Sarker, LLC d/b/a Star Market to be exercised at 317-321 Rivet Street, N.B., MA.**

**Re-Scheduled Date – October 17, 2019 at 1:30 p.m.**

**ACTION TAKEN: Receive & Place on File**

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

Monday, 7/8/19 - 5:56 p.m. - Disturbance at **Slainte**. Male reported "attacking the owner." Gone when police arrived.

Wednesday, 7/9/19 - 2:46 a.m. - Disturbance suppressed at the **Garden**. Male refusing to leave.

Saturday, 7/13/19 - 1:40 a.m. - Two males charged with assault & battery and disorderly conduct after fight outside **Greasy Luck**.

Saturday, 7/20/19 - 2:36 a.m. - Two males charged after fight in Pleasant St/Middle St area. Charges included assault & battery, assault & battery with a dangerous weapon, and failure to stop for police. Incident apparently originated at **Greasy Luck**.

Sunday, 7/28/19 - 1:27 a.m. - Three males arrested after fight in **Greasy Luck Brewpub**. Charges included disorderly conduct, assault & battery, and assault & battery on a police officer.

Monday, 7/29/19 - 2:06 a.m. - Disturbance suppressed outside **Rose Alley**. Intoxicated male refusing to leave premises.

Saturday, 8/3/19 - 12:49 a.m. - Disturbance suppressed at **Slainte**. Intoxicated female placed in protective custody.

Friday, 8/9/19 - 8:26 p.m. - Disruptive male removed from **Garden** at bartender's request.

Friday, 8/9/19 - 11:50 p.m. - Intoxicated male placed in protective custody at **Greasy Luck**.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. New Bedford Bar & Grill	#19 – 9320 – OF	08/10/19	Late Night Disturbance/ Overcrowding/Failure to Post Permits (Approximate Time of Violation 1:20 a.m.)

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

2. Whiskey Lounge	#19 – 9396 – OF	08/12/19	Stabbing Incident/Failure To Co-Operate/Hindering (Approximate Time of Violation 12:54 a.m.)
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**Decision:** Based on the evidence presented, the Board unanimously voted to receive the report and place it on file with a Letter of Warning.

3. Zully's	#19 – 9594 -OF	08/16/19	Intoxicated Employee (Approximate Time of Violation 7:16 p.m.)
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**Decision:** Based on the evidence presented, the Board unanimously voted to receive the report and place it on file with a Letter of Warning.

- **NEXT TWO MEETING DATES:** September 23<sup>rd</sup> & October 21<sup>st</sup> both on Mondays, in Room 314 - **APPROVED**
- **MEETING ADJOURNED:** 8:25 p.m.