

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 DECEMBER 17, 2018 - Unanimous**
- ❖ **VOTE TO ACCEPT THE MEETING MINUTES OF JANUARY 28, 2019 - Unanimous**
- **APPROVALS RECEIVED FROM THE ABCC (1)**

Transfer, Change of Location, Pledge of License - Trans. # 00049-RS-0778 – Plot # 17A--103

Madeira Café. Inc. d/b/a Madeira Café, Caroline DeCosta, Director, license formerly exercised on premises located at **70-76 Church Street**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License to DeSouza Enterprises, LLC d/b/a Cove Surf & Turf**; the proposed transferee is also requesting the transfer of the existing pledge to **Martins Family Living Trust**, from the existing **Common Victualler Wine & Malt license to the Common Victualler All Alcoholic Beverages license**, with an address of **17 Bertrand Street, Acushnet, MA.** as security to authorize and execute a promissory note in the amount of **Two Hundred & Seventy Thousand Dollars (\$270,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Upon approval, both Deborah L. DeSouza and Jessie J. DeSouza will be Co-Managers and Co-Interest Holders (50%) of the LLC. **Deborah L. DeSouza** is also the **Proposed Manager of the Liquor License**. The licensed premises consists of one (1) room for dining, with seating for twenty-three (23) patrons, along with a kitchen area, takeout /cashier area, and one (1) restroom in an area approximately 800 sq. ft. on the first floor of a one-story building, with alcohol being stored and served from two (2) stand alone coolers located in the kitchen area; with additional storage in an adjacent room approximately 1,209 sq. ft. which will be used for storage purposes only. There is also an outside patio area approximately 336 Sq. Ft., which is contiguous to the dining room and has seating for Sixteen (16) patrons, which is enclosed with a 40" high wooden fence that has an entrance/exit into the main dining area only. There is also an additional 670 sq. ft. outdoor 'Patio' area, which is also enclosed with a 2" Nautical Rope and Bollards, and is used for **seated dining purposes only**. The enclosed area, which includes three (3) tables with seating for four (4) and three (3) tables with seating for two (2), which allows for the seating of eighteen (18) patrons; and is located on the north side of the building, which is also contiguous to the licensed premises. This outdoor area is **only accessible** by way of an entrance/exit on the south side of the enclosed area in the front of the building and is accessible by 'Hostess Seating' only; the area is monitored by the hostess and waitstaff at all times. There is one entrance/exit that leads to the front door of the establishment. The hours of operation are **daily from 11:00 a.m. until 9 p.m., at which time all outdoor activity must cease**. The applicant has been previously approved to have live acoustic music within the patio area from **5 p.m. until 8 p.m. on Friday and Saturday nights only**. The premise is situated at the intersection of Cove Road and Padanaram Avenue, with One (1) entrance/exit in the front of the building, and two emergency exits located in an adjacent storage area located through the kitchen area and is **numbered 1500-1502 Cove Road**.

Approved by the ABCC – 03/29/19**VOTED:** To accept the approval from the ABCC. – **Unanimous****TABLED AT 03/25/19 MEETING****1. 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**, with an address of **480 Rockdale Avenue, 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: 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 Attend

Mr. Nanopoulos informed the Board that the financing issue has yet to be resolved and recommended that the matter remain on the table with no action to be taken at this time.

VOTED: Commissioner Almeida made a motion to follow the recommendation with no action at this time – **Unanimous**

2. Petition - Trans. # 238-RS-0778– Plot # 103--97

JME Enterprises, Inc. d/b/a David's Restaurant Grill and Mix Foods, David Jimon-Guarcas, President, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, David Jimon Guarcas will be the President, Treasurer, Secretary, Co-Director, and Sole Shareholder (100%); and **Kathyria Ayala** will be a Co-Director and the **Proposed Manager of the Liquor License**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **ALA Leasing, LLC**, with an address of **3035 Anderson Drive, Dighton, MA.** as security to authorize and execute a promissory note in the amount of **Three Hundred & Forty-Three Thousand Dollars (\$343,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The proposed licensed premise consists of an area approximately 4,861 sq. ft., which will include a bar area, dining area, function room, kitchen and kitchen prep area, storage room, office, coolers for alcohol, and two restrooms on the first floor of a three-story building. Alcohol will also be stored in the basement. The premise is situated on the southeast corner of Church and Earle Streets, and will be numbered **70-76 Church Street**.

Application has been advertised; Abutters Have Been Notified

Present: Atty. Michael Medeiros along with David Jimon Guarcas, Owner; Luis Pereira appeared and spoke in opposition of the petition. Kathyria Ayala, Proposed Manager, was unable to attend due to a family emergency in Puerto Rico.

Atty. Medeiros stated that the proposed manager was unable to attend tonight due to a family emergency in Puerto Rico and offered to make certain representation on her behalf regarding certain facts about her experience and background, if the Board so chooses to allow me to do so.

Chairman Beauregard responded by stating, we will certainly hear it ... but normally we like to see the proposed manager come before us so we can approve them ... but I don't know what your time frame is with regard to the P & S ... but normally we would table the matter until the proposed manager appears before the Board.

Atty. Medeiros responded, time is always an issue with situations like this as it relates to the P & S ... my client has already acquired the building ... at this time he is petitioning for the approval of a wine & malt license ... which is subject to a mortgage loan ... there are some time constraints to the license itself ... I can give you a brief overview of as to what the intent is and to what they're trying to do here ... but if it's not going to be voted upon this evening ... then maybe it should just be tabled.

Chairman Beauregard responded, why don't you tell us what his intentions are, and we'll go from there.

Atty. Medeiros stated that his client intending to open a restaurant with a beer and wine license ... the layout of the restaurant is pretty much the same as the old Madeira Café ... the total capacity is for 60 patrons ... the hours of operation will be from 6 a.m. until 9 p.m. on Monday through Thursday ... and from 6 a.m. until 10 p.m. on Friday and Saturday ... and Sunday from 6 a.m. until 9 p.m. ... and they will be serving breakfast ... if you look at the hours ... you can see that their business will be geared towards food service ... there will be no live entertainment ... there is potential for a function hall ... but it's not something he will be looking to use right away ... he's in the process of upgrading a few areas and getting his permitting in place.

Atty. Medeiros then addressed the issue of the manager who was present tonight by stating ... the manager is currently employed at a local restaurant ... Mr. Jimon-Guarcas is a cook at a local restaurant where he's been for the past eight years ... she will be on the premises for a minimum of 40 hours a week ... it's my understanding that she's worked as a bartender in more than one restaurant and is currently working as one right now ... if she's not T.I.P.S. Certified ... we will make sure that she and her staff gets certified ... prior to working in the food service industry ... she was a fulltime teacher in the New Bedford School System ... she also served in the United States Marines for 4 years ... where she served as a procurement specialist.

When asked by Commissioner Craig if the proposed manager serves alcohol at her current place of employment, Atty. Medeiros responded, yes, she does.

When asked by Chairman Beauregard as to Mr. Jimon-Guarcas' experience, Atty. Medeiros responded, he's been employed at a local restaurant in the city for 8 years ... he's also had some experience in the front of the house ... but most of his

experience is in the kitchen preparing the food ... with some experience in the service of alcohol.

When asked by Commissioner Almeida as to when they anticipate her coming back, Atty. Medeiros responded, in about a week and a half.

Mr. Nanopoulos informed the Board that it has approved an application and then brought the manager in prior to issuing the license.

Chairman Beauregard then asked if there was anyone present who wanted to be heard or recorded in favor of the petition, hearing and seeing none, Chairman Beauregard then asked if there was anyone present who wanted to be heard or recorded in opposition of the petition that was presently before the Board, to which several people indicated that they were present in opposition or wanted to voice their concerns, regarding the application.

Recognized first was Luis Pereira who runs the Ministry at the old Café Funchal location at 123 Church Street, who stated ... our ministry is within 200 ft. of the proposed restaurant and has over 350 members ... I also run a recovery program at that location for my members ... and I have concerns of a liquor establishment opening up so close to where the center is located ... and I have concerns that a liquor establishment opening up that close would be an issue for those in recovery.

Mr. Pereira went on to state, there's a law that states that a liquor license cannot be issued within 500 ft. from an assembly church or school and adding that the Latino community has issues, big issues, with alcohol.

Mr. Nanopoulos informed Mr. Pereira and the Board as a point of clarification, the law doesn't state that a license cannot be issued to an establishment within 500 ft. of a church, school, or hospital; adding, it only states that they must be notified.

Mr. Pereira and those in his group were given an ample opportunity to voice their concerns of which there is an audio recording on file.

It was the consensus of the Board, that although they understood the group's concerns, that the premises was not detrimental to the educational and spiritual activities of said church; and that they could not deny an application for a location that previously had a liquor license; and that they could not deny an application based on perceived fears of what might happen, citing the group's concern that the restaurant serving beer and wine would be a temptation to those who may walk by the establishment; and if that were the case, they would have to shut down all the restaurants who serve alcohol in the city.

Chairman Beauregard once again asked if there was anyone present who wanted to be heard or recorded in favor or in opposition of the application that was presently before the Board, hearing none and seeing none, Chairman Beauregard closed that portion of the hearing, and asked for a motion on the petition.

Voted: Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval; with a stipulation that Ms. Ayala 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**

3. Petition - Trans. # 02719-GP-0778– Plot # 42--272

Albert Santos d/b/a Royal II, who is petitioning to **transfer a General on Premise All Alcoholic Beverages License to 123 MacArthur Drive Hospitality, Inc.; the petitioner is also requesting a Change of License Type from a General on Premises All Alcoholic Beverages License to a Restaurant All Alcoholic Beverages License.** Upon approval, **Stacey B. Oliveira** will be the Sole Officer, Sole Director, and Sole Stockholder; as well as **the Proposed Manager of the Liquor License.** The licensed premises will remain the same as follows: Two (2) rooms including a bar area, kitchen, and one (1) restroom on the first floor; and one (1) room including a bar area, and four (4) restrooms, and stock area in the basement of a two-story building. The premise is situated on the west side of MacArthur Drive between John F. Kennedy Highway and Conway Street, and is numbered **123 MacArthur Drive.**

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

Application has been advertised; Abutters Notification Not Required

Present: Atty. Nicholas Gomes along with Stacey Oliveira, Owner/Proposed Manager and Ronald Oliveira, Husband

Mr. Nanopoulos informed the Board that this application is a simple transfer of the liquor license that is currently in Mr. Santos' name into the name of the new owners with the premises remaining the same; adding, with an understanding that a new application will be submitted reflecting a possible change of ownership and/or a change of description to include the entire building.

Responding to questions from Chairman Beauregard, Atty. Gomes stated that his client is moving forward with the project and that he has retained the Mt. Vernon Architect Group to draw up plans for the building. As well as going forward with a site plan review with the Planning Board within 60 days; at which time we should have an update on a potential sale or if my client s will be operating the restaurant at this location themselves.

Chairman Beauregard suggested that the application be approved to get the license out from Mr. Santos' name and have the applicants back in ninety (90) days to update the Board as to how they intend to proceed.

Voted: Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval; with a stipulation that the applicant appear back before the Board in ninety (90) days, so that they can update the Board as to how they plan to proceed. – **Unanimous**

TABLED AT 03/25/19 MEETING

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

Mr. Albert J. Santos, Owner

123 MacArthur Drive

Re: Approved 08/30/16

Prior Renewal Hearings: (5)

Your presence is respectfully requested at a hearing 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.

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

Decision of 11/19/18 Meeting

As a result of the open hearing held on Monday, November 19, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to approve your 2019 liquor license renewal and to table the matter until this Board’s April 22, 2019 meeting.**

The Board’s decision was based on the information provided by Mr. (Ron) Oliveira, in which he stated, that he had signed a P & S Agreement to purchase your liquor license in order to market the license with the existing building.

The Board has given you the additional time in order for you to finalize the transaction and to give the buyer sufficient time to submit an application for transfer.

The Board is hopeful that an application for transfer is submitted by April 1, 2019, so that it may be placed on our April 22, 2019 Agenda.

It should also be noted that Mr. Oliveira has no rights to this license until such a time as an application for transfer has been submitted and approved by this Board and submitted to the ABCC for their approval.

Voted: Commissioner Almeida made a motion to remove item # 4 from the table with no further action to be taken on the matter. – **Unanimous**

5. Petition - TR. #00173-PK-0778– Plot # 42--272

Northstar Beverage, Inc. d/b/a Cove Beverage, Maria C. Miranda, President, license formerly exercised on premises located at **104-106 Cove Street**, who is petitioning to **Transfer a Retail Package Store All Alcoholic Beverages license to AARAV, LLC d/b/a Richdale Food Shop**; the petitioner is also requesting a **Change of Location from 104-106 Cove Street to 951 Brock Avenue**. Upon approval, Rudraxi M. Patel will be a Co-Member, Co-Manager, and Co-Interest Holder (66.7 %) in the LLC and Vivekanand R. Patel will also be a Co-Member, Co-Manager, and Co-Interest Holder (33.3 %) in the LLC. **Rudraxi M. Patel is the Proposed Manager of the Liquor License.** The petitioner is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License and Inventory 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 Hundred & Fifty Thousand Dollars (\$150,000.00), pursuant to Massachusetts General Laws Ch.138 s.23**The proposed licensed premises is a convenience store located on the 1st floor of a one-story building within an area approx. 4,535 sq. ft., which includes a Dunkin Donuts Coffee take-out area, a storage room, an office, and a restroom; as well as coolers and shelving for the sale and display of alcohol. The premises is situated on the west side of Brock Avenue between Warren and Grit Streets, and has one (1) entrance & one (1) emergency exit; and is numbered **951 Brock Avenue.**

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

Application has been advertised; Abutters Have Been Notified

Present: Atty. Arthur Pearlman along with Vivekanand R. Patel, Co-Owner and Rudraxi M. Patel, Proposed New Manager;

Maria C. Miranda, Seller

Responding to questions from Chairman Beauregard, Atty. Pearlman stated that his clients are petitioning for a transfer of a Retail Package Store license and a Change of Location to 951 Brock Avenue, as well as a Pledge of License and Inventory to Rockland Trust; adding that the location is a full-service convenience store, but the liquor will be in a segregated area of the store dedicated to the sale of alcohol only. He also informed the Board that both LLC Members hold other licenses in the state and neither they or any of their staff have ever been cited for selling alcohol to a minor; adding that both members are very familiar with the State Liquor Laws. He also stated that they both are T.I.P.S. Certified along with the entire staff.

When asked by Chairman Beauregard as to how many hours that she would be on site at this location, Ms. Patel responded, 40 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; with a stipulation that Ms. Patel 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**

6. Petition - Lic. # 00029-CL-0778– Plot # 99--132

Casa Do Benfica No. 27, Inc. Jose Toledo, (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, Jose Toledo will be the President and a Co-Director, Franco M. Vieira will be the Vice-President and a Co-Director, Maria DaSilva will be the Treasurer and a Co-Director, and Derek Fernandes will be the Secretary and a Co-Director; and Vasco DaSilva and Joao Carvalho will also be Co-Directors. . The ‘Club’ is also requesting the approval of **Jose L. Brasil, who resides at 31 Autumn Drive, Westport, MA. as their New Manager.** The premises will remain the same at **1484 Acushnet Avenue.**

Neither Advertisement nor Abutters Notification Required.

Present: Jose L. Brasil, Proposed New Manager along with Jose Toledo, President

Responding to questions from Chairman Beauregard, Mr. Brasil stated that his experience is limited but he has always helped out when needed and that he is familiar with what he is required to do; adding that he’s been a member of the club for at least 10 years and that he’s also served as a director in the past but this is the first time as the manager.

Mr. Brasil also stated that he’s already taken the T.I.P.S. Certification Course.

When asked by Chairman Beauregard as to how many members they have, Mr. Brasil estimated the amount to be over 300 members.

When asked by Chairman Beauregard about the rental of the hall, Mr. Brasil stated that the hall is only used for member and club events only.

Voted: Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval; with a stipulation that Mr. Brasil 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 # 7 from the table and take up the matter at this time. – **Unanimous**

TABLED AT 03/25/19 MEETING

7. Hearing: RDS Operations, Inc. d/b/a Port Royal

Mr. Ramon D. Silva, Manager/Owner

26 South Water Street

Re: Approved 12/13/18

Prior Renewal Hearings: (1)

03/25/19 Meeting: Licensee Did Not Appear As Requested

Your presence is respectfully requested at a hearing 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.

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

Decision of 11/19/18 Meeting

As a result of the open hearing held on Monday, November 19, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to approve your 2019 renewal and to table the matter until this Board’s February 25, 2019 meeting.**

The Board’s decision was based on your submission of an application for multiple changes including a change of location to 26 South Water Street. During the application hearing, you informed the Board that it was your intention to operate as a “cigar bar” at the new location, and that it was your intention to be operational by February 1, 2019.

The Board has the expectation that you will be operational by this date, if so, you will not be required to attend the February 25, 2019 meeting. (A request was granted to move to the March 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.

Present: Ramon Silva, Owner/Manager

Responding to question from Chairman Beaugard, Mr. Silva stated that he’s probably about 2 to 3 weeks away from opening and that he was in the process of finishing the renovations; and then he would be setting up inspections to get his permits so that he can open; and that he expects to be open no later than the second week of May, which would require bringing in the rest of the equipment and the liquor inventory.

Chairman Beaugard suggested that the matter be tabled for sixty (60) days, and if the license is picked up and the establishment is open, then there would be no reason for Mr. Silva to appear.

VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to table the matter until this Board’s July 22, 2019 Meeting.**

Board’s Written Decision of 05/06/19

As a result of the open hearing held on Monday, April 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 July 22, 2019 meeting.**

The Board’s decision was based on the information that you were near the completion of your renovations of your ‘Cigar Bar’, and that you anticipated that you would be operational by the 2nd week of May.

The Board has the expectation that you will be **operational by July 1, 2019**, if so, you will not be required to attend the July 22, 2019 meeting.

VOTED: Commissioner Almeida made a motion to take up **Item #’s 8 – 25** at one time; waive reading; and approve the applications as presented – **Unanimous**

***** Special One-Day Licenses (18) *****

8. APPLICATION, (No Representation Required)

New Bedford Symphony Orchestra, Peter Andrade, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Symphony On Tap Event’**, to be held at the **Kilburn Mill**, located at **127 West Rodney French Boulevard**; and to be held on **Saturday, April 13, 2019**, from **7:00 p.m. until 10:00 p.m.**

9. APPLICATION, (No Representation Required)

UMass Dartmouth, Laura Barboza, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License for a ‘Gallery Opening’**; to be held at the **Kilburn Mill**, located at **127 West Rodney French Boulevard**; and to be held on **Thursday, April 18, 2019**, from **5:00 p.m. until 9:00 p.m.**

10. APPLICATION, (No Representation Required)

Empire Ford of N. B., Inc., Linda J. Ferreira, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License for a ‘Business After Hours’**; to be held at the **Empire Ford of N.B.**, located at **396 Pleasant Street**; and to be held on **Wednesday, April 24, 2019**, from **5:00 p.m. until 7:00 p.m.**

11. APPLICATION, (No Representation Required)

Community Nurse Home Care, Inc., Clare Healy Foley, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License for a ‘Women’s Star Power Lunch’**; to be held at **the Harbor View Gallery** located within the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, April 24, 2019, from 11:00 a.m. until 1:00 p.m.**

12. APPLICATION, (No Representation Required)

UMass Dartmouth/CVPA, Aleto Deyo, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License for a ‘Student Fashion Show’**; to be held at the **Kilburn Mill**, located at **127 West Rodney French Boulevard**; and to be held on **Saturday, April 27, 2019, from 6:30 p.m. until 8:00 p.m.**

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Sailor Series Reception’**; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, March 27, 2019, from 6:00 p.m. until 7:00 p.m.**

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

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Sailor Series Reception’**; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, March 27, 2019, from 6:00 p.m. until 7:00 p.m.**

15. APPLICATION, (No Representation Required)

Siemens Ganesa Renewable Energy, Inc./Mass CEC, Bruce Carlisle, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Workshop Reception’**; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, May 1, 2019, from 5:00 p.m. until 7:00 p.m.**

16. APPLICATION, (No Representation Required)

W.H.A.L.E, Diane M. Brodeur, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Spring Soiree’**; to be held at the **W.H.A.L.E Building**, located at **318 Pleasant Street**; and to be held on **Friday, May 3, 2019, from 5:30 p.m. until 8:30 p.m.**

17. APPLICATION, (No Representation Required)

Coastal Food Shed, Daniel King, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License for a ‘Coastal Food Shed Fundraiser’** to be held on the **Madeira Field Feast Grounds**, located on **Madeira Avenue**; and to be held on **Saturday, May 11, 2019, from 5:00 p.m. until 8:00 p.m.**

18. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Jessica Roberts, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License for a ‘Mother’s Day Brunch’**; to be held at the **N. B. Fishing Heritage Center** located at **38 Bethel Street**; and to be held on **Sunday, May 12, 2019, from 11:00 a.m. until 1:00 p.m.**

19. APPLICATION, (No Representation Required)

N. B. Fishing Heritage Center, Kerrie Burrer, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License for a ‘Reception/Cocktail Hour’**; to be held at the **N. B. Fishing Heritage Center** located at **38 Bethel Street**; and to be held on **Thursday, May 16, 2019, from 5:00 p.m. until 7:00 p.m.**

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

Club SS Sacramento Scholarship Committee, Edward Camara, Jr., Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License for a ‘Wine Tasting Fundraiser’** to be held at the **Madeira Field - Main Pavilion**; and to be held on **Saturday, May 18, 2019 from 6:00 p.m. until 11:00 p.m.**

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

Society of Senhor da Pedra, Inc./Holy Ghost Society, Meghan DaRosa,, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Fundraiser/Holy Ghost Society Feast’**, to be held in **Webster Court (Senhor da Pedra Parking Lot)**, located at **81 Tinkham Street**; and to be held on **Saturday, June 15, 2019, from 6:00 p.m. until 11:45 p.m. and Sunday, June 16, 2019 from 6:00 p.m. until 11:00 p.m. (Final approval will require a copy of the Police Detail Contract)**

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

22. APPLICATION, (No Representation Required)

The Schwartz Center for Children, Amy Barrett, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Fishing for a Cause Tournament Fundraiser’**; to be held at the **Kilburn Mill**, located at **127 West Rodney French Blvd.**; and to be held on **Saturday, June 22, 2019, from 5:00 p.m. until 10:00 p.m.**

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

Damon Chaplin, Applicant, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “**Birthday Party**”; to be held at the **Ft Taber Community Center**, located within **Ft. Taber Park**; and to be held on **Saturday, June 22, 2019, from 2:00 p.m. until 8:00 p.m.**

24. APPLICATION, (No Representation Required)

New Bedford Sports Club, Inc., Maria D. Vieira, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License for a ‘Club Cookout’** to be held within the Club Parking Lot; located at **1790 Acushnet Avenue**; and to be held on **Saturday, June 29, 2019, from 12:00 p.m. until 11:45 p.m.**

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

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

The New Cape Verdean Ultramarine Band Club, Inc., Cassia Gage, Club Officer, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘**Fundraiser/Cape Verdean Day Parade**’, to be held in the **Club - Parking Lot**, located at **185 Acushnet Avenue**; and to be held on **Saturday, July 1, 2019, from 11:00 a.m. until 11:45 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to take up items 26 & 27 at one time.**

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

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

Your presence and that of **Mr. Laurence Bucha** is required at a hearing to determine whether you have violated certain provisions of ABCC and/or Licensing Board Rules & Regulations. This hearing will address the incident that occurred on February 25, 2019, your continued failure to properly manage the premises and the numerous calls to service for reports of disturbances at your establishment. Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license; or if warranted, a roll back of hours may also be considered.

They are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 6, 10, 11 & 12-

Each corporate licensee shall appoint a manager (by a properly authorized and executed written delegation) who shall have full authority and control of the premises and who shall be satisfactory to the Board; Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident Report

Per the incident of February 25, 2019, the Police were dispatched to your establishment for a fight in progress. Upon arrival, a female stated that she had been inside the bar when she witnessed a female start shouting at other patrons and then throw a drink at the bartender which resulted in a fight between patrons. She stated that during the altercation she was knocked off her seat by a male seated next to her causing her to hit her head. This same male began punching her and pushed her outside the bar. She identified the assailant who when questioned was found not to have an ID on his person.

Date and time of alleged violations: Monday, February 25, 2019 @ approximately 10:36 p.m.

Police Report # 19 – 535 -AR

**** The Board has requested that both you and Mr. Bucha submit to the Board the hours that you are on the premises, which must be submitted on the attached forms at the 04/22/19 meeting.**

Present: Lawrence Bucha along with Benvinda Tavares, Bartender; Capt. Adelino Sousa, Liaison to the Licensing Board along with Det. Steven Wadman, 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. Bucha stated that they did receive the notice and he was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Chairman Beauregard informed Mr. Bucha that the reporting officer was present to read, summarize, or give testimony to what was contained in his report; 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. Wadman to either summarize or read his reports and give the Board an overview of what was contained in his report.

Det. Wadman gave his testimony of what occurred that evening as summarized above; adding that there are constant calls to service to this location for late night disturbances.

Mr. Bucha was afforded ample opportunity to respond to the testimony that was presented by Det. Wadman, as well as addressing those concerns presented by the Board; *Mr. Bucha also indicated to the Board that he would be applying for a change of manager as well.*

The Board also noted that Mr. Bucha stated that he was at the bar between 5 p.m. and 9 p.m. that night due to the fact that they started a pool league that night, which Commissioner Craig noted was not possible because he was sitting before this Board that night on another matter, to which Mr. Bucha had no response when this was brought to his attention.

The Board considered the testimony presented by both the licensee and the reporting Police Officer regarding the incidents that was reported by the N. B. Police Department, as well as other testimony with regard to the ongoing issues at their establishment; including the multitude of late night disturbances of incidents related to the licensee's establishment, as well as the number of directed patrols that have been initiated as a result of those incidents. The Board also voiced their concern that there was no proper management in place and their extreme concern that once again that the manager of record (Kristina Morrow) did not appear as requested.

Decision: See Below

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

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

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

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

Present: Lawrence Bucha along with Benvinda Tavares, Bartender; Capt. Adelino Sousa, Liaison to the Licensing Board along with Det. Steven Wadman, Reporting Officer

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 04/29/19

Per your hearing of Monday, April 22, 2019, the Board **voted unanimously to implement the ten (10) day suspension of your Common Victualler All Alcoholic Beverages license which was set aside as part of the Board's decision of November 26, 2018.** Your ten (10) day closure will commence on **May 6, 2019 and conclude on May 15, 2019.**

In their decision, the Board considered the testimony presented by you and the New Bedford Police as it related to another disturbance that occurred within your establishment. The Board expressed concern of your statement of facts that you had just left the establishment prior to the incident when in fact you were not at the establishment at all that evening.

The Board also expressed concern about the safety and security of your clientele and the possible lack of adequate management at your establishment.

This Board certainly understands the financial impact of these decisions, but, just as importantly, we have an absolute obligation to make sure all licensed establishments are safe for the general public.

This decision is not subject to appeal; appeal period has expired.

- **CORRESPONDENCE**

From: Atty. Madelyn H. Genereux **Dated -03/05/19** **Received - 03/07/19**
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, with regard to 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 - July 25, 2019 at 10:00 a.m.

ACTION TAKEN: Received & Placed on File.

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

Thursday, 3/14/19

#19-26487 - 9:28 p.m. - Intoxicated male reported attempting to start fights with other patrons at **The Garden**. Charged with disorderly conduct.

Friday, 3/15/19

#19-26842 - 10:15 p.m. - **Greasy Luck** requested help with crowd control after fire alarm went off.

Sunday, 3/23/19

#19-29354 - 1:31 a.m. - Female charged with disorderly conduct after refusing to leave the **Greasy Luck** area after closing.

Saturday, 3/30/19

#19-32105 - 12:48 a.m. - Male charged with disorderly conduct after a disturbance outside of the **Greasy Luck** — yelling & refusing to leave area.

Monday, 4/1/19

#19-33184, 10:10 p.m. - Disruptive, Intoxicated male removed from **Freestones**.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Mi Antojo Mexican Rest.	19 - 3596 - OF	03/31/19	Patron Assaulted On The Premises/Intoxicated Patron/ Serving To Intoxication (Approximate Time of Violation 1:40 a.m.)

Decision: Bring In For a Hearing - 05/20/19

2. Pour Farm Tavern	19 - 3533 - OF	03/30/19	Disturbance/Fight/Patron Assaulted By The Bouncer/ Intoxicated Persons (Approximate Time of Violation 11:40 p.m.)
---------------------	----------------	----------	---

Decision: Based on the evidence presented, the Board unanimously voted to receive the report and place it on file.

- **NEXT TWO MEETING DATES:** May 20th & June 17th both on Mondays, in Room 314 - **APPROVED**
- **MEETING ADJOURNED:** 8:20 p.m.