

LICENSING BOARD MEETING**-FINAL AGENDA-****Monday, February 25, 2019****Room 314 – 7:00 p.m.****REQUIRED: Steven A. Beaugard, 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 AUGUST 27, 2018**
- ❖ **VOTE TO ACCEPT THE MEETING MINUTES OF SEPTEMBER 24, 2018**
- ❖ **VOTE TO ACCEPT THE MEETING MINUTES OF OCTOBER 22, 2018**
- **APPROVALS RECEIVED FROM THE ABCC (4)**

New CV Wine & Malt License – Tr. 04655 – RS - 0778 (NEW) – Plot # 50--120

Celia’s Restaurant, LLC, Ana P. Ortiz, Co-Manager of LLC, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, **Ana P. Ortiz** will be a Co-Manager and Sole Interest Holder (100%) of the LLC; and **Fiordaliza Ramos** will be a Co-Manager of the LLC and the **Proposed Manager of the Liquor License**. The licensed premises will be in an area approximately 5,000 sq. ft., which will include a dining room with a small bar area, and a kitchen area with a cooler, a food service area, an office, a storage room, and two (2) restrooms on the first floor of a one-story building. Alcohol will be stored in the kitchen and in the bar area. The premises is situated on the south side of Kempton Street between Florence and Jenny Streets, and includes two entrances/exits in the front of the building onto Kempton Street; as well as an additional emergency exit onto Jenny Street; and will be numbered **700 Kempton Street**. Final approval will require a ‘**Certificate of Inspection**’ from the Building Department, a new ‘**Food Permit**’ from the Health Department, a copy of ‘**Proof of Liquor Liability**’, and, a copy of a **current 304 Certificate**.

Approved by the ABCC – 02/05/19**Change Of Officer’s, Directors, & Manager - Trans. # 00095-CL-0778 – Plot # 106--137**

Clube Ponta Delgada, Inc., Jose Pacheco, 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 M. Pacheco will be the President and a Co-Director, Desiderio Frias will be the Vice-President and a Co-Director,, Jose DaCosta will be the Treasurer and a Co-Director,, and Christina Machado will be the Secretary and a Co-Director; and Robert Lopes, and Clement Costa will also be Co-Directors. The ‘Club’ is also requesting the approval of **Christina Machado**, who resides at **27 Mason Road, East Freetown, MA. as their New Manager**. Premises will remain the same at **61-65 Madeira Avenue**.

Approved by the ABCC – 02/08-19**Transfer of Liquor License - Tr. # 89487-PK-O778 (Old Tr. # 88945-PK-0778)– Plot # 93--255**

CUVE Wine, LLC d/b/a Crush New Bedford, Kristian Vasilev, Co-Manager of LLC, who is petitioning to **Transfer a Retail Package Store Wine and Malt Only Beverages License to MA and SA Corporation d/b/a 7-Eleven**. Upon approval, **Mark E. Kazan** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and **Manager of the Liquor License**. The new licensed premises is a convenience store located in a one level building in an area approximately 2,940 sq. ft., which includes a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes one room for the storage of alcohol in the rear of the building. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located on the west side of the building. The premise is situated on the north side of Coggeshall Street on the corner of Coggeshall Street and Sawyer Street, and is numbered **45 Coggeshall Street**. Final approval will require a ‘**Certificate of Inspection**’ from the Building Department.

Approved by the ABCC – 02/11/19

Multiple Changes – Tr. # Lic. # 02829-RS-0778 – Plot # 52--292

Vault, LLC d/b/a Greasy Luck Brewpub, Howard L. Malloves IV, Co-Manager of LLC, who is requesting a Change of Corporate Structure and Corporate Name to Vault Corp; the applicant is also requesting a Change of d/b/a from Greasy Luck Brewpub to The Vault Music Hall & Pub at Greasy Luck.

The petitioner is also requesting a Change of Officers, Directors, Stockholders, a Transfer of Stock, a Change of Manager, and a Change of Description of the Common Victualler (Restaurant) All Alcoholic Beverages License.

Upon approval, Alfred C. Peters will be the President, a Co-Director, and Co-Stockholder (25 %), Howard L. Malloves IV will be the Treasurer, a Co-Director, and Co-Stockholder (25 %), Mark Martinho will be the Secretary, a Co-Director, and Co-Stockholder (25 %), and Troy R. DeMelo (new) will be a Co-Director and Co-Stockholder (25 %). **Howard L. Malloves IV will be the New Manager. The current description of the licensed premise is being amended to eliminate the Brewery Room, which will be replaced with an additional dining area. The remainder of the licensed premises will remain the same as follows:** The licensed area consists of an area approx. 9,200 sq. ft. on the first floor of a two - story building, which includes one room that includes a bar area, an (expanded) area for dining, and two (2) handicap accessible restrooms; there is also a second room that is subdivided by a portable petitioned wall that also serves as a dual function room and arcade/lounge area, which includes a second bar area, tables for dining, a performance stage, two (2) private dining rooms (vaults), arcade lounge area, two (2) rooms for storage, and two (2) handicap accessible restrooms. The first floor area will also include a full service kitchen. There is also an area for the storage of alcohol in the basement. The licensed premise has two (2) entrances/exits in the front of the building onto Purchase Street, and an emergency exit located on the southwest corner of the building. The license was amended on 07/25/17 to include the entire 4,257 sq. ft. 2nd floor area, which includes two private function rooms and four office spaces, and seven storage rooms, which may be used for possible expansion at a later date. (BOARD AND ABCC APPROVAL REQUIRED PRIOR TO ALTERATIONS); and there is also a 670 sq. ft sidewalk seating area (A complete description is on file). The premise is situated on the west side of Purchase Street, between Union and William Streets, and **will remain numbered 791-797 Purchase Street.**

Approved by the ABCC – 02/13/19

1. Petition - Trans. # 04145-RS-0778 – Plot # 47--219

Homer's Wharf, LLC, 26 Homer's Wharf, is requesting the approval of a change of d/b/a from Waterfront Grille to Merrill's on the Waterfront.

Tabled at 01/28/19 Meeting

2. Petition - Trans. # 00123-RS-0778 – Plot # 78—112

Tropicana Bar & Grille, Inc., Miguel Barbosa, President, who is requesting a Change of Officers, Directors, Stockholders, Manager, and Transfer (Re-Distribution) of All the Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License. The petitioner is requesting that the resignation of Maria Barbosa (Spouse) as the Treasurer, Clerk, and Co-Stockholder of the corporation be accepted; and that the transfer of all her corporate shares (50%) be approved to Miguel Barbosa (Spouse). Upon approval, **Miguel Barbosa** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and the **Manager of the Liquor License.** Premises will remain the same at **1700 Purchase Street.**

Application has been advertised; Abutters Notification Not Required

NEED DOR & DUA CERTIFICATES

3. Petition - Trans. # 238 – Plot # 30--187

Alam & Sarker, LLC d/b/a Star Market, Mohammad M. Alam, Co-Manager of the LLC, who is petitioning for a New Retail Package Store Wine and Malt Only Beverages License. Upon approval, Md Mashum Sarker and Mohammad M. Alam will both be Co-Managers and Co-Interest Holders (50%) of the LLC. **Md Mashum Sarker** will also be the **Manager of the Liquor License.** The proposed licensed premises is a convenience store located on the first floor of a three-story building in an area, approximately 2,034 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes one room for storage in the rear of the building. Alcohol will also be stored in the basement in an area approximately 400 sq. ft. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located at the rear of the building. The premise is situated on the north side of Rivet Street, between Orchard and Bonney Streets, and will be numbered **317-321 Rivet Street.**

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

Application has been advertised; Abutters Notification Not Required

4. Petition - 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**.

Application has been advertised; Abutters Notification Not Required

Note: Licensee will surrender their 'currently held Common Victualler Wine & Malt License back to the city upon approval.

5. Hearing: United Fishermen Club, Inc.

Current President**
639 Orchard Street

It has been brought to the attention of this office that Mark Custodio has resigned his position as an Officer and Manager of the United Fishermen Club, Inc.; we've also been informed that there has been a complete change to the current slate of Officers and Directors, which must be addressed immediately. As your 'Club' is aware from past proceedings, you must file an application for change of Manager as well as any changes with regard to Officers and Directors.

As a result of our possible findings, you or a legal representative of the United Fishermen are required to attend a hearing to be held to review and resolve these matters.

Please be advised that should you or an officer of the establishment fail to appear, this Board may immediately suspend your General on Premise All Alcoholic Beverages License until this matter is resolved.

***** Special One-Day Licenses (8) *****

6. APPLICATION, (No Representation Required)

Southcoast Chamber, Deven Robitaille, Applicant, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Networking Event"; to be held at **Webster Bank**, located at **227 Union Street**; and to be held on **Thursday, February 21, 2019, from 4:00 p.m. until 10:00 p.m.**

7. APPLICATION, (No Representation Required)

UMAS/CPSC, Claire M. Simoes-Bordas, Applicant, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a "Book Release Discussion and Reception"; to be held at the **Harbor View Gallery**, located at the **N.B. Whaling Museum, 18 Johnny Cake Hill**; and to be held on **Friday, February 22, 2019, from 5:00 p.m. until 7:30 p.m.**

8. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special Wine & Malt Only 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 **Thursday, March 21, 2019, from 6:00 p.m. until 7:00 p.m.**

9. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One-Day 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.**

10. APPLICATION, (No Representation Required)

UMAS/CPSC, Claire M. Simoes-Bordas, Applicant, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “Conference/Reception”; to be held at the **Harbor View Gallery**, located at the **N.B. Whaling Museum, 18 Johnny Cake Hill**; and to be held on **Wednesday April 3, 2019, from 5:30 p.m. until 8:30 p.m.**

11. APPLICATION, (No Representation Required)

Global Learning Charter Public School, Amy Bissonnette, Applicant, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a “Global Learning Charter Public School Gala”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, April 27, 2019, from 5:00 p.m. until 9:00 p.m.**

12. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc./Fun 107, Erin Feeney, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a **Red, White, & Brew @ the Zoo Beer Festival**, to be held within the **Buttonwood Park Zoo**; and to be held on **Friday, May 17, 2019, from 5:30 p.m. until 9:00 p.m. (Final approval will require Liquor Liability with the City of New Bedford named as additionally insured; along with a copy of the Police Detail Contract) - 21+ Event”**

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

13. APPLICATION, (No Representation Required)

Kristine Arsenaault, Applicant, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “Wedding Reception”; to be held at the **Buttonwood Park Zoo**, located at **425 Hawthorn Street**; and to be held on **Saturday, June 8, 2019, from 5:00 p.m. until 10:00 p.m.**

14. Hearing: Zamora & Family, Inc. d/b/a Freddie’s Café

Mr. Alfredo M. Zamora, Manager
175 Sawyer Street

Your presence and that of **Christopher Rivera, Security Guard** is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

They are as follows:

M.G.L Ch. 138, sections 63-

Agents of the local licensing authorities may enter a licensed premise at any time to ascertain the manner in which the business is being conducted; It is a violation to hinder, delay, refuse to provide information to or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority in the performance of his or her duty.

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 10, 11 & 12-

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

Summary of Incident Report #1

The Police Department Incident Report states that Officers, who were working on their assigned shift, were driving east bound on Sawyer Street in the area of Freddie's Café, observed a group of people at the entrance of the bar yelling and they appeared to be getting ready to fight.

Upon requesting additional units to help clear the patrons from the bar and parking lot, the Officers then made their way through the crowd while also advising them that it was time to leave; as they did, they noticed several known Latin King Members who were involved in a physical altercation with unknown parties prior to their arrival.

While clearing out the crowd, the Officers noticed a few people who seemed to be afraid to leave and refused to speak to them. The Officers also felt the bar was over capacity when they arrived.

Date and time of alleged violations: Saturday, December 15, 2018 @ approximately 1:42 a.m.

Police Report # 18-158840-OF

Summary of Incident Report #2

The Police Department Incident Report states that Officers, who were working on their assigned shift, were traveling south on Belleville Avenue approaching Holly Street when they observed a large crowd outside of Freddie's Café located at 175 Sawyer St, which has been the site of numerous disturbances of late. Upon arrival, it was apparent that some kind of commotion was going on, so the Officers requested extra officers for assistance; as they exited their cruisers they observed two females assisting a male who couldn't walk on his own, and was obviously beaten as he had blood on his face and lumps on his forehead; and on the side of his right eye. The Officers also observed another male, who obviously had been drinking, who also had blood all over his face; as well as having no shoes on and his belt was undone.

The Security Guard stated that the fight started by the exit door and spilled out into the parking lot. The Security guard stated to the Officers, that once they leave the bar's exit door...he is not responsible for what happens.

The Officers then spoke to the bartender who stated that the fight broke out inside the bar and that she couldn't tell what was going on because tables were being moved and due to the fact that there were so many people in the bar. The Officers then spoke to two other patrons who indicated the same story. The three statements contradicted the statement made by the Security Guard.

The Officers noted in their report that the incidents that do occur are discovered by officers when they drive; adding that the business does not call police when they have a problem and that the owner/ manager of the establishment has never co-operated with police when they discover a problem at this establishment.

Date and time of alleged violations: Saturday, January 26, 2019 @ approximately 1:25 a.m.

Police Report # 18-158840-OF

Summary of Incident Report #3

The Police Department Incident Report states that the street supervisor while on patrol near Freddie's Café, observed the streets and parking lot to be overcrowded with vehicles. To help ensure that there would not be any issues, the supervisor requested additional units to monitor the establishment at closing time, due to the numerous problems occurring at closing time.

The officers on site counted 62 patrons leaving the establishment not including staff; noting that when they looked inside prior to closing, they could see that the place was packed dangerously tight with people. Once all the patrons were out, they proceeded inside to check the certificate of occupancy and met with the owner, who indicated that the capacity of the establishment was 78. Upon checking the CO, they noted that the capacity was 45/33. The owner stated that the "other side" was closed, adding that the other side is a restaurant. Both officers felt that the establishment was overcrowded, contrary to the certificate.

Date and time of alleged violations: Saturday, February 2, 2019 @ approximately 1:35 a.m.

Police Report # 19-1270-OF

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

15. Hearing: Zamora & Family, Inc. d/b/a Freddie's Café

Mr. Alfredo M. Zamora, Manager
175 Sawyer Street

Your presence and that of **Christopher Rivera, Security Guard** is requested at a hearing to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of an incident reported by the New Bedford Police Department. 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 -)

16. 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 hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

They are as follows:

Violations: Massachusetts General Laws Chapter 138, sections 12, 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m.

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No.10, 11 & 12-

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

Summary of Incident Report #1

The Police Department Incident Report states that an Officer conducting a follow-up on a prior matter, entered the Whiskey Lounge at approximately 2:10 a.m. to meet with Richard Desnoyers, who he believed to be the manager of the establishment; the purpose of the visit was to open the lines of communication with him and the establishment after an altercation took place there. When the Officer asked to speak to Mr. Desnoyers, the bartender was confused as to whom he was referring to but later stated that she was not sure if he was the manager or what his role was at the establishment. She stated that he became upset every time she referred to him as being the manager.

While speaking to the bartender, a male, who was obviously intoxicated, went behind the bar and grabbed a bottle from on top of the bar and proceeded to drink from it; to which, the bartender responded, "Can you not do that?" The male was with two other individuals.

Date and time of alleged violations: Saturday, December 15, 2018 @ approximately 2:10 a.m.

Police Report # 19 – 250 - OF

Summary of Incident Report #2

The Police Department Incident Report states that Officers were dispatched to the Whiskey Lounge for a fight inside the establishment. The bouncer called the police and stated it was male vs. male and that one was leaving in a blue Ford. The Officers requested that the report be forwarded to the Licensing Board due to the several disturbances where parties from the bar have been fighting inside and outside of the establishment.

Date and time of alleged violations: Sunday, December 23, 2018 @ approximately 1:22 a.m.

Police Report # 18 - 16152 – OF

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

17. 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 -)

18. Hearing: Olivia Pearl, LLC d/b/a The Bar

Mr. Robert A. Faria, Jr. Manager/Co-Owner
266-268 Dartmouth Street

Your presence and that of **Raquelle Raposo, Bartender and Bryan DeMello, Doorman** is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

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

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 5, 6, & 12-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Premises must at all times be kept safe.

Summary of Incident Report

The Police Department Incident Report states that an Officer, while on a routine patrol traveling north on Dartmouth Street in the vicinity of Rivet Street, observed a large disturbance forming at the entrance to The Bar located at 266 Dartmouth Street. Upon arrival, the Officer observed 10 people yelling at each other and being pulled apart. After radioing communications, the Officer activated the Blue lights on his cruiser and exited his cruiser; as the Officer approached the group, it began to separate in half and the security staff was yelling for everyone to get against the wall and they were complying, however, the two groups were yelling back and forth.

The Officer was told by a female who stated that the altercation was started by The Bar staff, adding that the bartender threw a drink at them, referring to their group of friends, and assaulted them.

As the Officer was talking to the first female, he observed a second female who was being held back by several persons, while yelling back at the bar staff; moments later, she pushed away from her friends and lunged towards the staff at the entrance to the bar in what he observed to be an attempt to assault the staff, at which time, he made a decision to place her into custody.

The Officer then interviewed the bartender who stated that she asked one of the males to close out his tab, at which time she received an attitude from the group. She replied that the attitude was unnecessary and was told by one of the females that they were not leaving until they finished their drinks, at which time she took away the drink. The bartender stated that caused the female to come into the serving area behind the bar for what she believed was to fight her; adding that the girls in the group threw glasses at her and at the stage with one hitting a customer, although no victim came forward or has been identified.

The Officer then escorted the male back into the bar to close out his tab, at which time the Officer asked him his date birth to which he responded that his date of birth was 10/26/97. Upon running the male's name through the system, it was discovered that the male's date of birth was 10/26/98, which made him 20 years of age and not of legal drinking age.

Along with the first female, a second was also placed into custody and charged with disorderly conduct as well.

Date and time of alleged violations: Thursday, December 20, 2018 @ approximately 1:37 a.m..

Police Report # 18 – 3743 – AR & #18 – 3744 – AR

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

- **CORRESPONDENCE**

From: Ralph Sacramone, Executive Director

Dated -01/25/19 Received -01/30/19

Re: Madeira Café, Inc. d/b/a Madeira Cafe

70-76 Church Street

Notice of Hearing Date: Thursday, January 3, 2019 @ 11:00 a.m.; A hearing will be held to determine whether your application requesting removal from the Credit Delinquency List pursuant to M.G.L. Chapter 138, sec. 25 and 204 CMR 2.00et seq. should be approved or disapproved.

DECISION: The Commission hereby orders M & Service Bureau to suspend the posting of the above-named account number (507746) from the so-called Delinquent List pursuant to the provisions of M.G.L. Chapter 138, sec. 25 forthwith.

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

Saturday, 1/19/19

#19-091 - 10:32 p.m. – Intoxicated female placed in protective custody outside of the **Greasy Luck**.
(Female was ejected from the bar by the staff.)

#19-7101 - 11:25 p.m. – Male charged with disorderly conduct outside of the **Greasy Luck**.
(Male was ejected from the bar by the staff.)

Friday, 1/25/19

#19-9018 - 12:41 a.m. – Two males charged after fight in **The Garden**.

Sunday, 2/3/19

#19-12471 - 12:24 a.m. – Intoxicated male placed in protective custody outside **Greasy Luck**.

#19-12493 - 1:43 a.m. - Fight suppressed outside of **Cork**.

Friday, 2/8/19

#19-14340 - 1:18 a.m. – Female charged with setting off fire alarm by smoking electronic cigarette in ladies' room at **Greasy Luck**

Saturday, 2/9/19

#19-14757 - 12:34 a.m. – Female charged with disorderly conduct and assault & battery after fight in ladies' room at **Greasy Luck**.

#19-15131 - 11:30 p.m. – Disruptive male charged with trespassing and disorderly conduct after being shut off at bar and refusing to leave **Greasy Luck** when asked.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Greasy Luck	18-155125-OF	12/08/18	Disturbance/Failure To Contact Police/On Going Disturbances (Approximate Time of Violation 12:08 a.m.)
"Held On File"	18-3710-AR	12/15/18	Closing Time Disturbance/ "Police Detail on Duty" (Approximate Time of Violation 2:00 a.m.)
2. Slainte	18-3708-AR	12/18/18	Bouncer Threatened W/Knife Gang Member Involvement (Approximate Time of Violation 1:25 a.m.)
"Held On File"			

• **ANNUAL REPORT 2018 (Informational Only)**

In accordance with **Chapter 138, sec.10A of the Massachusetts General Laws**, relative to the granting of licenses for the sale of alcoholic beverages, we are pleased to submit herewith a full report of the actions of the New Bedford Licensing Board for the year **2018**.

There were a total of **183** liquor licenses granted as renewals for the year **2019**.

There was one (1) new license issued in 2018:

❖ **Brothers Artisanal, Inc., 11 William Street (CV W & M Only)**

There were four (4) licenses that were not renewed in 2018 (For 2019):

- ❖ **Club Déjà Vu (Route Six Properties, Inc. d/b/a), (CV AA), 161 Pope’s Island, Licensee Decision/License was seized by the DOR/Licensee & DOR chose not to pay the renewal fee. License is lost to the city, as a result of being over quota in said category. (Lic. # 00116-RS-0778)**
- ❖ **Portobello (Casa Chessa Corp. d/b/a), (CV AA), 555 Pleasant Street, Licensee Decision not to renew the license. License is lost to the city, as a result of being over quota in said category. (Lic. # 00101-RS-0778)**
- ❖ **Jalice Café, Inc. (CV AA), 1468 Acushnet Avenue, Licensee Failed to Sign their renewal in November License is lost to the city, as a result of being over quota in said category. (Lic. # 00021-RS-0778)**
- ❖ **New York China Buffet (Super 8 New York Buffet, Inc. d/b/a), (CV W & M), 888 Ashley Boulevard; Licensee chose not to renew the license. (License Reverted Back To City) An Application is pending with the ABCC for Celia’s Restaurant, LLC, located at 700 Kempton Street. (Lic. # 00099-RS-0778)**

There were no Seasonal Licenses granted in 2018.

The number of licenses of each class renewed for **2019** is as follows:

Common Victualler---All Alcoholic	83
Common Victualler---Wine & Malt (6 Days)	2
Common Victualler---Wine & Malt (7 Days)	17
General on Premise ---All Alcoholic	16
General on Premise---Wine & Malt (7 Days)	0
Clubs---All Alcoholic	24
Retail Package Stores---All Alcoholic	22
Retail Package Stores---Wine & Malt	16
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
<u>Total Licenses</u>	<u>183</u>

Special One - Day Licenses Granted in 2018:

Special One Day All Alcoholic Beverages Licenses.....	<u>88</u>
Special One Day Wines and Malt Beverages Licenses.....	<u>78</u>

Revenue received from the various classifications of licenses during **2018:**

- New Common Victualler Wine & Malt license granted to the Noodle Bowl New Bedford, LLC d/b/a The Noodle Bowl (Approved 12/21/17) – Lic. Issued on 03/19/18** \$1,900.00
- New Common Victualler Wine & Malt license granted to Brother’s Artisanal, Inc. – Lic. Issued on 11/05/18** \$318.00

Renewals:

2 Innholder All Alcoholic Beverages Licenses	\$9,200.00
83 Restaurant All Alcoholic Beverages Licenses	\$253,150.00
2 Restaurant Wines and Malt Beverages (6 DAY)	\$3,600.00
17 Restaurant Wine and Malt Beverages (7 Day)	\$32,300.00
16 General on Premise All Alcoholic Beverages Licenses	\$49,600.00
0 General on Premise Wine and Malt Beverages	\$0.00
24 Club All Alcoholic Beverages Licenses	\$57,600.00
22 Retail Package Goods Store All Alcoholic Beverages Licenses	\$55,000.00
16 Retail Package Goods Store Wines and Malt Beverages Licenses	\$28,000.00
1 Farmer-Winery Pouring Permit	\$1,400.00
1 Seasonal License	\$0.00
88 Special One - Day All Alcoholic Beverages Licenses	\$13,925.00
78 Special One - Day Wines and Malt Beverages Licenses	\$5,600.00
49 Filing Fees	\$6,110.00

Total Revenue.....\$517,703.00

Schedule of License Fees for **2019** are as follows:

Innholder All Alcoholic Beverages	\$4,600.00
Restaurant All Alcoholic Beverages	\$3,050.00
Restaurant Wines and Malt Beverages - 7 Days	\$1,900.00
Restaurant Wines and Malt Beverages - 6 Days	\$1,800.00
General on Premise All Alcoholic Beverages	\$3,100.00
General on premise Wine and Malt Beverages	\$1,950.00
Club All Alcoholic Beverages	\$2,400.00
Club Wines and Malt Beverages	\$1,550.00
Retail Package Goods Store All Alcoholic Beverages	\$2,500.00
Retail Package Goods Store Wines and Malt Beverages	\$1,750.00
Farmer Series Pouring Permit (Winery)	\$1,400.00
Restaurant All Alcoholic Beverages (Seasonal)	\$1,600.00
Special One-Day All Alcoholic Beverages (Over 2 Hrs.)	\$150.00
Special One-Day All Alcoholic Beverages (1-2 Hours)	\$125.00
Special One-Day Wines and Malt Beverages (Over 2 Hrs.)	\$125.00
Special One-Day Wines and Malt Beverages (1-2 Hours)	\$100.00
Filing Fees	\$125.00

The foregoing is a correct statement of the number of liquor licenses, the fees charged for same, and the total amount of revenue received from the licenses by the **New Bedford Licensing Board for the year 2018.**

Respectfully Submitted
 New Bedford Licensing Board

Attached: (2) - 10 Violation Hearings - Violations/Action Taken

- **NEXT TWO MEETING DATES: March 25th and April 22nd both on Mondays, in Room 314**
- **MEETING ADJOURNED:**

"In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Office of the Licensing Board **at 508-979-1457**. Requests should be made as soon as possible but at least **48 hours** prior to the scheduled meeting."

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law.

Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.