

LICENSING BOARD MEETING**-AGENDA-****Monday, October 22, 2018****Room 314 – 7:00 p.m.****REQUIRED: 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.****a/o 10/18/18****Nick Nanopoulos, Director****Change of Officers & Directors – Tr. # 00029-CL-0778– Plot # 99—132**

Casa Do Benfica No. 27, Inc., Joao D. Vieira, (new) President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Joao D. Vieira will be the President, Franco M. Vieira will be the Vice-President, Derek Fernandes will be the Treasurer, and Manuel S. Bernardo will be the Secretary; and Vasco DaSilva will be the Sole Director. Premises will remain the same at **1484 Acushnet Avenue**.

Approved By ABCC – 09/28/18**Change of Officers & Directors – Tr#00085-CL-0778– Plot # 106—185**

Portuguese American Athletic Club of Greater New Bedford, Inc., Rosangela (Rosie) Ribeiro (new) President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Rosangela (Rosie) Ribeiro will be the President, Domingos Adao will be the Vice-President, Jose Ribeiro will be the Treasurer, and Albertino DeSousa will be the Secretary; and Arlindo Moura, Luciano Rodrigues, Jose Ferreira, and Marcel Vieira will all be Co-Directors. Premises will remain the same at **56 Holly Street**.

Approved By ABCC – 09/28/18**1. Petition – Tr. #00094 – CL - 0778 – Plot # 106--85 (No Representation Required)**

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 be the President and a Co-Director, Horacio Tavares will be the Vice-President and a Co-Director, Rodolfo Botelho will be the Treasurer and a Co-Director, and Luis Pacheco will be the Secretary and a Co-Director; and Jay Williams, Jose Avelar, Fernando Pacheco, Jessie Moniz, and Duarte Carreiro will all be Co-Directors. Nelson Tavares remains as the Manager. Premises will remain the same at **101 Madeira Avenue**.

Neither Advertisement nor Abutters Notification Required

2. Petition – 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.

Application has been advertised; Abutters have been notified

3. Petition – Tr. # 00083-RS-0778– Plot # 17--192

DNB, LLC d/b/a DNB Burgers, Amelia Ruvich, Co-Manager of LLC, license currently issued for use at 22 Elm Street, who is petitioning to transfer a **Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **Café Italia Ristorante, Inc.** Upon approval, Nick Ricciardi, Jr. will be the President, Secretary, a Co-Director, and a Co-Shareholder (50%) and Nicola Ricciardi will be the Vice-President, Treasurer, a Co-Director, and a Co-Shareholder (50%); and **Nicola Ricciardi** is also the **Proposed Manager of the Liquor License**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) Wine & Malt License** to the **New Bedford Economic Development Council, Inc.** with an address of **1213 Purchase Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Five Thousand Dollars (\$5,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The new licensed premises consist of an area approx. 990 sq. ft. on the first floor of a one-story building, which will include one room for dining with seating for 25 patrons, a kitchen, and one restroom. Alcohol will be stored & served from the kitchen. The premise, which has One (1) entrance and Two (2) exits, is situated on the corner of Rockdale Avenue and Cove Road, and is **numbered 6 Rockdale Ave.** Final approval will require a **‘Certificate of Inspection’** from the Building Department, a **‘Food Permit’** from the Health Department, a copy of **‘Proof of Liquor Liability’**, and a copy of a **current 304 Certificate**.

Application has been advertised; Abutters have been notified

4. Petition – Tr. #00078 – GOP-0778 – Plot # 53—198A

Carrig, Inc. d/b/a Hibernia Pub, Bartholomew (Barry) Flynn, Sole-Director, license currently issued for use at **109 William Street**, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **DNB, LLC d/b/a DNB Burgers**. Upon approval, **Amelia G. Ruvich and Joshua M. Lemaire** will both be **Co-Members, Co-Managers, and Co-Interest Holders (50% ea.)**. **Amelia G. Ruvich** is the **Proposed Manager of the Liquor License**. The proposed transferee is also requesting a **Change of License Type from a General on Premise (AA) to a Restaurant All Alcoholic Beverages License, and a Change of Location from 109 William Street to 22 Elm Street**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to the **New Bedford Economic Development Council, Inc.** with an address of **1213 Purchase Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Forty Thousand Dollars (\$40,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The new licensed premises will consist of an area, approx. 996 sq. ft., on the first floor of a three-story building, which will include a dining area with counter and table seating for approx. nineteen (19) patrons; the area will also include a kitchen area, a storage room, and one (1) unisex bathroom. There is also an additional room for dining, the room approx. 544 sq. ft., which will include a bar with seating for twelve (12) patrons and fifteen (15) seats for dining that will be accessible by way of a small step up from the front area, as well as by way of a common area in the rear of the building; and through an entrance/exit on the east side of the building. There will be two additional restrooms in said common area for patron use. (No alcohol shall be allowed or consumed in this common area.); and there will also be an additional room, approx. 1,242 sq. ft., which will be used for small events or functions and include two (2) storage rooms, which will be accessible by way of a small step up from the second room. Both the upper dining area and function area will also be accessible by way of a common area in the rear of the building; and through an entrance/exit on the east side of the building. There will be two additional restrooms in said common area for patron use. (No alcohol shall be allowed or consumed in this common area.). **All three (3) rooms are contiguous to one another.** There is also one(1) entrance/exit in the front of the building that leads onto Elm Street, along with an additional entrance/exit on the east side of the building that leads into the parking lot; and an additional entrance/exit from the kitchen into a common area, which will be used by staff and for deliveries only. There is also an entrance/exit in the rear of the building, which is located through the common area. Premise is located on the south side of Elm Street between North Water and Bethel Streets and is numbered **22 Elm Street**.

Application has been advertised; Abutters have been notified

Tabled at 08/27/18 Meeting

5. Hearing: N. B. Lodge No. 914, Loyal Order of Moose, Inc.

Mr. Thomas Flood, President

119 Rockdale Avenue

Per our recent conversations, you were informed that by law, your club must file an application for a Change of Officers, Directors, and Manager immediately.

As of this date, an application has not been filed with this office; therefore, you are required to attend a hearing to address this matter. If this matter is resolved prior to this meeting, you will be absolved from having to attend.

Please be advised that should you or another officer of the club fail to appear, this Board may suspend your 'Club' All Alcoholic Beverages License until this matter is resolved.

6. APPLICATION, *Applicant Is In The Process of Obtaining a Special Permit/Change of Ownership*****

Ernesto Montalvo, who both reside at **88 East Water Street, Taunton, MA.** is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **ESI Auto, Inc.**, with premises situated at **1466 Pleasant Street.**

Note: Site is currently licensed to Union Auto Towing, Inc. #4, which is currently approved for the display of Twenty-Two (22) cars by the Office of Inspectional Services.

Final approval of the Motor Vehicle Class II License will require a '**Change of Tenant** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done; if approved, the current license issued for that location must be surrendered prior to the issuance of the "new" license.

7. APPLICATION, *Special Permit Has Been Approved*****

Victor DaRosa, who resides at **156 Ash Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **BBN Auto Sales, LLC**, with premises situated at **1551 Pleasant Street.**

Note: Requesting approval for the display of Eight (8) Cars.

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

9. Hearing: Jalice Café, Inc.

Mr. Derick Pina Goncalves, Manager/Co-Owner
1468 Acushnet Avenue

Your presence and that of **Maria S. Sequeira, Co-Owner**, is requested at a hearing of the **New Bedford Licensing Board** to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules & Regulations. This hearing will focus on the incident that occurred on Friday, September 14, 2018 at approximately 1:53 a.m., regarding an altercation that occurred inside your establishment that resulted in a patron being stabbed by another patron.

The Licensing Board is especially troubled about this incident because you have once again failed to heed the Board's earlier warnings with regard to not allowing objectionable persons on or about the premises; and your failure to keep the premises safe for your patrons.

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. The Board may also take action to revoke your entertainment license based on their findings.

The potential violations are as follows:

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

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

Licensing Board Regulations No., 11, 12, & 41-

Objectionable Persons shall not be permitted on or about the premises; premises must at all times be kept safe; the type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board.

Date and time of alleged violations: Friday, September 14, 2018 @ approximately 1:53 a.m.

Police Report # 18-11757-OF

10. Hearing: Jalice Café, Inc.

Mr. Derick Pina Goncalves, Manager/Co-Owner
1468 Acushnet Avenue

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 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 -)

Police Report # 18-11757-OF

- **CORRESPONDENCE**

--NONE--

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

This is for three weeks:

9/3/18 - Call #18-100793 –1:46 a.m. – Three males arrested after disturbance at Slainte, refused to leave area after being kicked out of bar. Charges included disorderly conduct, resisting arrest, assault & battery on a police officer, assault & battery with a dangerous weapon.

9/12/18 - #18-104895 – 6:25 p.m. – Disturbance suppressed outside Garden.

9/16/18 - #18-106198 – 2:00 a.m. – Disturbance suppressed outside Greasy Luck.

9/22/18 - #18-108761 – 12:57 p.m. – Male charged with disorderly conduct after disturbance outside Garden.

9/22/18 - #18-108938 – 10:48 p.m. – Disturbance suppressed at Freestones.

10/7/18 - Call #18-114732 – 1:08 a.m. – Female charged with disturbing the peace and vandalizing property after incident at The Garden bar. Described as “ripping a door off its hinges and wanting to fight everyone outside.”

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Jalice Café	18 – 3153 – AR	10/07/18	Disorderly (Urinating Outside) & Intoxicated Person (Approximate Time of Violation 12:52 a.m.)
	18 – 3145 – AR	10/06/18	Patron Assaulted/Patrons Fighting In Parking Lot/ (Approximate Time of Violation 1:15 a.m.)
	18 – 3146 – AR		
2. Alianca Lounge	18 – 12848 - OF	10/07/18	Patron Assaulted/Refused To Co-Operate (Approximate Time of Violation 1:56 a.m.)
3. Southside Annie's	18 – 12985 - OF	10/10/18	Disturbance Outside of Premises/Ongoing (Approximate Time of Violation 1:35 a.m.)

- **INACTIVE LICENSES FOR REVIEW ONLY (NOVEMBER 19TH MEETING)**

1. **Adrian's Mexican Rest. (Giraldo's Rest. Inc. d/b/a) – CVAA – Plans to Re-open.**
Closed – 01/01/18
 2. **Club Déjà vu (Route Six Properties, Inc. d/b/a) – CVAA – May Relocate Or Sell License**
Closed – 11/01/17
 3. **Franklin Hospitality Corp. (24 Union St.) – CVAA – Building To Be Renovated In 2019**
Approved – 08/09/17
 4. **Hungry Whale (Hungry Whale Hospitality Group, Inc.) - GOP – License for Sale**
Closed – 06/30/17
 5. **Madeira Café (Madeira Café, Inc. d/b/a) – CVAA – License For Sale**
Closed – 06/30/17
 6. **New York China Buffet (Super 8 New York Buffet, Inc. d/b/a) – CV W & M – License for Sale**
Closed – 07/16/18
 7. **Portobello (Casa Chessa Corp. d/b/a) – CV AA – Business & License For Sale**
Closed 06/30/17
 8. **Royal II (Albert Santos d/b/a) – GOP – Business & License For Sale**
Approved – 08/30/16
 9. **Sam Potter's Roast Beef (The White Rose, LLC d/b/a) (37 Union St.) – CVAA – Building To Be Renovated In 2018**
Approved – 10/16/17
 10. **The Edge Seafood Rest. & Bar (The Edge Hospitality d/b/a) – CV AA – Business & License For Sale**
Closed – 09/05/17
 11. **Union City (Ramon D. Silva Enterprises d/b/a) – CVAA – License Only For Sale**
Closed – 11/16/15
 12. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a) – CVAA – On Going Renovations**
Approved – 06/03/14
- **NEXT TWO MEETING DATES: November 19th & December 17th 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.

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