

LICENSING BOARD MEETING**-AGENDA-****Monday, November 19, 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.****Nick Nanopoulos, Director****A/O 11/14/18****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:****Change of d/b/a - Trans. #00167 – PK - 0778 – Plot # 123--143**

New Bedford Wine & Spirits, Inc., 1024 King’s Highway, is requesting the approval of a change of d/b/a from Douglas Wine & Spirits to New Bedford Liquor Warehouse.

Approved by the ABCC – 09/25/18**Change of Officers & Directors – Tr. #00094 – CL - 0778 – Plot # 106--85**

St. Michael Social Club, Inc., Nelson Tavares, President, who is petitioning for a Change of Officers and Directors of the Club All Alcoholic Beverages license. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Nelson Tavares will 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.**

Approved by the ABCC – 10/31/18**Change of Officers & Directors – Trans. . # 00107 – CL - 0778 – Plot # 19--52 (No Representation Required)**

Clube Uniao Faialense, Inc., Eusebio Rego, (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, Eusebio Rego will be the President and Sole Director, Antone Candido will be the Vice-President, Joao Camarao will remain as the Treasurer, and Jose I. DeFraga will remain as the Secretary. Premises will remain the same at **701 Orchard Street.**

Approved by the ABCC – 11/02/18**Transfer of License (Old #Tr. #03857-RS-0778) “NEW” # 04462-RS-0778 – Plot # 106--4**

Gloria Teixeira d/b/a Teixeira Bar & Grill, Gloria Teixeira, Sole Proprietor, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Yuen Shun Liu d/b/a China P.R. Chinese Food & Sports Bar, Sole Owner and Manager of the Liquor License . The premises will remain the same as follows: The premises consists of one room approximately 3,153 sq. ft., which includes tables for dining and a horseshoe-style bar, a performer stage, kitchen area, and two (2) restrooms located in the front section of a one-story building. There is also a banquet/function room in the rear portion of the building, in an area approximately 4,448 sq. ft., which includes tables for dining, a service bar, an additional kitchen, storage area, two restrooms, and a performer stage; along with additional storage in the basement. The premises is situated on the east side of Acushnet Avenue between Tinkham Street and Nash Road, and includes two (2) entrances/exits in the front of the building onto Acushnet Avenue and one (1) entrance/exit in the parking lot on the south side of the building; along with one (1) additional entrance/exit into the parking lot from the banquet/function room, and one (1) additional entrance/exit to Nash Road from the banquet/function room; and will remain numbered **1686 Acushnet Avenue.**

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.**

Approved by the ABCC – 11/02/18

Transfer & Pledge Of License – Tr. #88931 – PK - 0778 – Plot # 137--35

Tejendra, Inc. d/b/a Dairy Market, Gunvant I. Patel, President, who is petitioning to **Transfer a Retail Package Store Wine and Malt Only Beverages License to Shiva & Purva, Inc. d/b/a Dairy Market**; the proposed transferee is also requesting approval of a **Pledge of the Retail Package Store Wine & Malt Only Beverages License to Rockland Trust Bank**, with an address of **288 Union Street, Rockland, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred & Sixty-Eight Thousand Dollars (\$168,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Upon approval, **Mahendrakumar S. Patel** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder 100%, and **Manager**. The licensed premises will remain the same as a convenience store located in a street level building in an area approximately 1,927 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 north side of the building. The premise is situated on the west side of Acushnet Avenue, between Leroy Street and Sassaquin Avenue, and will remain numbered **4443 Acushnet Avenue**.

Final approval will require a **‘Change of Tenant’** from the Building Department.

Approved by the ABCC – 11/02/18**“New” CV Wine * Malt License – Tr. # 04470-RS-0778 – Plot # 53--105**

Brothers Artisanal, Inc., Philip Harrison Beauregard, President, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, **Philip Harrison Beauregard** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and **Manager**. The licensed premises will be in an area approximately 6,200 sq. ft., which will be used for the manufacturing and purveying of ultra-premium dehydrated meats (Jerky); and will include a small Tap Room for the Service of Food and Drinks. The area will have five (5) rooms that will include a “tap room”, an “open kitchen”, a room for the “manufacturing of jerky”, an office, a room for the storage of alcohol, an office, a walk in cooler, and two (2) restrooms on the first floor of a one-story building. Alcohol will be stored and served from the kitchen area, as well as from the small service bar.

The premises is situated on the north side of William Street between Bethel and North Water Street, and includes one (1) entrance/exit in the front of the building onto William Street and a second exit/entrance onto Bethel Street.

The premises has two (2) emergency exits, one (1) onto North Water Street and one (1) onto Bethel Street, and will be numbered **11 William 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 – 11/05/18**1. Petition – Tr. # #00055-RS-0778– Plot # 24--116**

Clipper Restaurant, Inc. d/b/a Fernando’s Sports Bar, Fernando Amaral, Director, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to A.O.F., Inc. d/b/a Fernando’s Sports Bar**. Upon approval, Arnaldo Oliveira will be the President, Treasurer, a Co-Director, and Co-Interest Holder (50%), and Jose L. Ferreira will be the Secretary, a Co-Director, and Co-Interest Holder (50%). **Jose L. Ferreira** is also the **Proposed Manager of the Liquor License**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to INAYAT, LLC**, with an address of **42 Yale Drive, Manhasset, N. Y.** 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 premise will remain the same as follows: The licensed premise consists of an area, approximately 1,560 sq. ft. on the first floor of a three-story building, which includes Two (2) rooms with a bar & tables for dining, a kitchen; and an area for the storage of alcohol with two (2) restrooms. The premise is situated on the east side of County Street between Delano and Blackmer Streets, and includes one (1) entrance/exit in the front of the building onto County Street; as well as an emergency exit located in the kitchen area, and is numbered **116 County Street**.

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.

2. Petition – Tr. # 00170-PK-0778– Plot # 65--278

Jai Balaji, LLC d/b/a Mark's Beverage, Manubhai Patel, Sole Manager of LLC, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to County Liquors, Inc.** Upon approval, Divyesh Patel will be the President, Secretary, a Co-Director and a Co- Shareholder (50%), and Nilesh Patel will be the Treasurer, a Co-Director and a Co-Shareholder (50%); and **Divyesh Patel** is also the **Proposed Manager**.

The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Webster Bank, NA**, as security to authorize and execute a promissory note in the amount of **Four Hundred & Eighty-Eight Thousand Dollars (\$488,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23..** Premises will remain the same as follows: Two Rooms with a walk-in cooler and office on the first floor of a 2 ½ story building with stock in the basement. The licensed premise is situated on the southeast corner of County and Smith Streets, and is numbered **642 County Street**.

Final approval will require a **'Change of Tenant'** from the Building Department.

Application has been advertised; Abutters Notification Not Required

3. Petition – Tr. # # 00154-RS-0778– Plot # 47--69

Ramon D. Silva Enterprises, LLC d/b/a 'Union City', Ramon D. Silva, Sole Manager of LLC, who is requesting a **Change of Corporate Structure and Corporate Name to RDS Operations, Inc.; the applicant is also requesting a Change of d/b/a from 'Union City' to Port Royal. The petitioner is also requesting a Change of License Type from a 'Restaurant' to a General on Premise All Alcoholic Beverages license; as well as a Change of Location from 248-250 Union Street to 26 South Water Street.** Upon approval, Ramon D. Silva will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%). **Ramon D. Silva** will remain as the **New Manager**. The new proposed licensed premises consists of an area, approximately 805 sq. ft., on the first floor of a four - story building. The new location is being proposed to be used as a 'Cigar Bar', which will have one room that will include a bar, along with table and couch seating, a humidior, and storage room for alcohol. There are two (2) restrooms located in an adjacent first floor common area. **(No alcohol shall be consumed in this area)**. There will also be an area for the storage of alcohol in the basement. The licensed premises will have one (1) entrance/ exit in the front of the building onto South Water Street, and an emergency exit located through the 'common area' on the southeast corner of the building. The premise is situated on the east of South Water Street on the corner of Commercial and South Water Streets, and will be **numbered 26 South Water Street**.

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

Tabled at 04/23/18 Meeting

4. Hearing: Ramon D. Silva Enterprises, LLC

d/b/a "Union City"

Mr. Ramon D. Silva, Manager/Owner

248-250 Union Street

Closed 11/16/15 – Licensee Decision

Prior Renewal Hearings: (7)

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 04/23/18 Meeting

Present: Mr. Ramon D. Silva, Owner

Mr. Silva stated that he thought he had a deal with the person that was buying the building but at the last minute they decided that they didn't want the liquor license; adding that he's been negotiating a lease for the last week and half for a spot downtown, and that he believed he would have a lease finalized in the next 3 or 4 days.

Chairman Beauregard stated that he will be afforded the same amount of time as everyone else, which would give him until November to put a deal together; adding, if the license is not active or transferred by then, the Board would revoke the license. Chairman Beauregard noted that the Board has given all licensees ample time to do something with the license and that it would be inactive for three years in November.

Board's Written Decision of 04/25/18

As you are aware from the Board's April 23rd meeting, the Board voted unanimously to grant you until our hearing date of November 19, 2018 to activate or transfer your license by this time. Should your license remain inactive come November 19th, said license will be revoked by this Board at which time you will have an opportunity to appeal this action to the Alcoholic Beverages Control Commission (ABCC).

The decision of the Board is supported by MGL Chapter 138, Section 77 which states that "the Licensing Authority may, after hearing or reasonable opportunity there-fore, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business." The Board would suggest that the additional seven (7) months is a reasonable opportunity to make arrangements for your license.

The Board strongly suggests you make a concerted effort to reactivate your license to avoid any adverse action. Thank you in advance for your cooperation in this matter.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler (Restaurant) All Alcoholic Beverages License.

Tabled at 07/23/18 Meeting**5. Hearing: Al's Dog House, Inc.**

Mr. Robert E. Benoit, President

335 Coggeshall Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws and Licensing Board Rules and Regulations. Based on the testimony presented at this hearing or in the event you fail to comply with this notice, the Licensing Board may take action to suspend your license until this matter is resolved.

Issue Summary

Since that untimely death of a family member (Gail Pedro), who served as a Director and Stockholder (100 shares), this office has made numerous attempts to get a very important matter resolved. Under M. G. L. you are required to submit an application for a change of Officers, Directors, Stockholders, and a Transfer of Stock.

Your failure to respond to our requests through your Attorney as well as the attempts by this office to get this resolved with you, it has necessitated that you be called in for a hearing regarding this matter.

Please be advised that you have until November 2, 2018 to submit an application for those changes previously referenced.

Your failure to submit this application will require you to attend the November 19, 2018 hearing.

Please note that you are in violation of the following regulations that will require the board to take action.

MGL Chapter 138, sections 12, 23-

An application must be filed to obtain approval from the local licensing authorities and the ABCC for a change of officers, directors, stockholders, and manager.

Minutes of 07/23/18 Hearing

Present: Atty. Michael Medeiros along with his assistant, Andrew Beechinor; and Robert E. Benoit, President of Al's Dog House, Inc.

Mr. Nanopoulos opened the hearing by informing the Board of the issue that was before them by stating, due to the untimely death of a family member who is an officer and stockholder in the corporation, which occurred two years ago, that a change of officers and directors and a transfer of stock are required.

He went on to add that he's been in constant contact with both the licensee and Atty. Medeiros's office in order to get this matter resolved, which to this point has been to no avail; hence, the request for this meeting.

Atty. Medeiros stated, Mr. Nanopoulos has been very ... very co-operative with us over the past two years with regard to this issue and as Mr. Nanopoulos indicated ... Gail Pedro, who was my client's sister and was an officer and a one third owner in the

corporation ... she suffered an untimely death on the premises ... so she has one legal heir ... there was no will ... so we've had those issues to deal with in probate ... he (heir) has not been the most co-operative individual to deal with unfortunately ... Although he has had counsel ... there have been some instances that counsel was unsure if he was going to continue to represent him during some of this ... our goal initially was to buy him out ... so there would be an agreement with one transfer from the estate ... not necessarily from any specific individual ... and the paperwork would be filed then ... however, an offer was made but a counter offer was never presented until about a two weeks ago ... but unfortunately ... our offer which we thought was fair and reasonable under the circumstances ... but when it comes back 4 times more than what we offered ... so obviously we're not there yet ... but we know we have to comply ... but Andrew has more information he can offer to the Board.

Mr. Beechinor offered the following by stating, so at this point ... we pretty much have everything that we need from our side to submit the application ... the biggest thing has been trying to get the beneficial interest information from Shaun Sullivan, who is the heir ... as well as getting a CORI Form and an affidavit regarding anything that might be in his criminal background ... I think it was about two weeks ago when communication really started to break down ... so obviously with a contentious situation like that it can happen ... but last week ... with Atty. Hunt's assistance ... we've really started to make some progress ... it wasn't as quickly as we wanted to ... but we're very near be complete.

When asked by Chairman Beauregard if it's the intention to bring him into the corporation, Mr. Beechinor responded, the intention is to have him as the personal representative of the estate of Gail Pedro and have the estate be part of the corporation ... that's how he'd like it to be ... so the estate would be a stockholder in the corporation.

Atty. Medeiros added that the sticking point in the process is getting Mr. Sullivan, who is the sole heir to Ms. Pedro's estate, to co-operate to get this resolved. Atty. Medeiros expressed his frustration that Mr. Sullivan refuses to come to the table to negotiate with us, adding that in 22 years of practicing, he's never had a situation like this.

Mr. Beechinor added, so at this point it doesn't look like we're going to be able to reach an agreement to buy out his shares, so it looks like ... short term ... we're going to add the estate as a stockholder of the corporation.

When asked by Chairman Beauregard if you could have an estate as a stockholder, Mr. Nanopoulos stated he thought it would be allowed but added he would double check with the ABCC.

Atty. Medeiros added, I'm hoping we can make a little more headway with this ... for more of a global resolution to this ... so that there would only be two shareholders in this corporation ... however if you asked me a year ago ... I would have told you we were close then.

Chairman Beauregard responded, I think you have to tell him that he is putting the license at risk of being lost if this matter is not resolved; to which Atty. Medeiros responded, we've told him that ... his Attorney appreciates that ... but he doesn't ... there really isn't any communication between him and the family ... I think it's been like that for a long time ... even before his mom passed away ... so I just think this just labors it a little bit more, unfortunately.

Chairman Beauregard suggested that the matter be tabled till November with the understanding that word be sent to his attorney that come November, there's a potential that you could lose the liquor license.

Chairman Beauregard offered that the Board would be willing to put something in writing expressing the Board's view on this matter, to which Atty. Medeiros responded, I would be happy to forward that letter to Mr. Sullivan and his legal counsel.

Mr. Nanopoulos suggested that either Atty. Medeiros or Mr. Beechinor contact Ralph Sacramone at the ABCC to see if adding an estate as a stockholder is acceptable before they start on the application, if they go in that direction.

6. Petition – Tr. # # 00213-RS-0778– Plot # 92--266

Al's Dog House, Inc., Michelle Benoit, President, who is requesting a **Change of Officers, Directors, (New) Stockholder, and a Transfer of Corporate Stock** of the **Common Victualler Wine & Malt Only Beverages License**. Upon approval, Michelle Benoit will be the President, Secretary, a Co-Director, and a Co-Stockholder (33.33%). Robert E. Benoit will be the Vice-President, Treasurer, a Co-Director, and Co-Stockholder (33.33%), Michael Medeiros will be the new Secretary, and the Estate of Gail Pedro, represented by Shaun Sullivan (Sole Survivor) will be a Co-Stockholder (33.33%) by virtue of devise by will of Gail Pedro (Deceased). **Robert E. Benoit** will remain as **Manager**. Premises will remain the same at **335 Coggeshall Street**. *Application has been advertised; Abutters Notification Not Required*

7. APPLICATION, (No Representation Required)

Consulate of Portugal, Shelly Pires, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an "Exhibit Opening"; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, November 8, 2018, from 6:00 p.m. until 8:00 p.m.**

8. APPLICATION, (No Representation Required)

Chrissy Mitchell Fundraiser Committee, John Saunders, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Fundraiser”; to be held at the **Madeira Feast Grounds – Pavilion Area Only**, located on **Madeira Avenue**; and to be held on **Sunday, November 9, 2018, from 6:00 p.m. until 8:00 p.m.**

9. APPLICATION, (No Representation Required)

Rotch-Jones-Duff House Garden & Museum, Inc., Kimberly Rioux, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Holiday Tree Viewing Party Event’ event to be held at the **Rotch-Jones-Duff House Garden & Museum**, located at 396 County Street; and to be held on **Thursday, November 29, 2018, from 6:00 p.m. until 8:00 p.m.**

10. APPLICATION, (No Representation Required)

W.H.A.L.E., Aaron Daugherty, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Gallery X Fundraiser”; to be held at **Gallery X**, located at **169 William Street**; and to be held on **Friday, December 7, 2018, from 5:30 p.m. until 8:30 p.m.**

Tabled at 08/27/18 Meeting – “REVISED NOTICE”

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

Mr. Thomas Flood, President
85 Rockdale Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws and Licensing Board Rules and Regulations. Based on the testimony presented at this hearing or in the event you fail to comply with this notice, the Licensing Board may take action to suspend your license until this matter is resolved.

Issue Summary

As of this date, an application has not been filed with this office for a change of officers and directors, as **well as for a change of manager, a position that has been vacant for at least 6 months.**

The Board will also consider if your license will be renewed for 2019, based on your failure to be in good standing with the Laws of the Commonwealth.

Please note that you are in violation of the following regulations that will require the board to take action.

MGL Chapter 138, sections 12, 23, 67 & Chapter 30A-

An application must be filed to obtain approval from the local licensing authorities and the ABCC for a change of officers, directors, and manager; The local licensing authority may refuse to issue or re-issue a license if it determines an applicant for a retail license fails to comply with the provisions of state law, ABCC Regulations or any other reasonable requirements.

Licensing Board Regulations No. 6-

Each corporate licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board and who shall be a United States citizen.

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.

12. Hearing: United Fishermen Club, Inc.

Mr. Manuel Gill, President
639 Orchard Street

Your presence and that of **Mark Custodio, Manager** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws and Licensing Board Rules and Regulations. Based on the testimony presented at this hearing or in the event you fail to comply with this notice, the Licensing Board may take action to suspend your license until this matter is resolved.

Issue Summary

On August 27, 2018, this Board approved your application for a change of your club’s officers and directors, with the understanding that you would submit a Certificate of Good Standing from the DOR and a Certificate of Compliance from

the DUA, in a timely manner.

Due to your failure to submit those two documents to complete your application, the Board is required to reconsider their vote of 08/27/18, and rescind their approval of your application; which they will address with you at their November 19th meeting.

As a result of the time lapse, the forms that are now required by the ABCC have since changed; therefore, you will now be required to submit a new application in a timely manner.

The Board will also consider if your license will be renewed for 2019, based on your failure to be in good standing with the Laws of the Commonwealth.

Please note that you are in violation of the following regulations that will require the board to take action.

MGL Chapter 138, sections 12, 23. 67 & Chapter 30A-

An application must be filed to obtain approval from the local licensing authorities and the ABCC for a change of officers, directors, and manager; The local licensing authority may refuse to issue or re-issue a license if it determines an applicant for a retail license fails to comply with the provisions of state law, ABCC Regulations or any other reasonable requirements.

Licensing Board Regulations No. 6-

Each corporate licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board and who shall be a United States citizen.

Minutes of 08/27/18 Meeting

13. Petition – Tr. # 00109 – GP-0778– Plot # 19—53 – “To Be Rescinded for Failure to Comply”

United Fishermen Club, Inc., Manuel Gil, (new) President, who is petitioning for a **Change of Officers and Directors of the General On Premise (Non-Profit Club) All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Manuel Gil will be the President, Treasurer, and a Co-Director, Mark I. Custodio will be the Vice-President and a Co-Director, Antonio Alfonso will be the Secretary and a Co-Director, and Jose Lima will be President of the General Assembly and a Co-Director. **Mark Custodio** will remain the **Manager** and the premises will remain the same at **639 Orchard Street**.

Neither Advertisement nor Abutters Notification Required.

***** Awaiting DOR Certificate of Good Standing & DUA Certificate of Compliance Along With Other Docs.*****

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; upon receipt of a DOR Certificate of Good Standing & DUA Certificate of Compliance. – **Unanimous**

14. Hearing: Ying Dynasty Nauset, LLC

d/b/a Ying Dynasty

Mr. Shang Ying Zhao, Manager of LLC

114-116 Nauset Street

Approved 06/03/14 – Renovations

Prior Renewal Hearings: (9)

Your presence is respectfully requested at a hearing to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 05/21/18 Meeting

Present: Atty. Christopher M. Markey on behalf of Ying Dynasty Nauset, LLC; along with Robert Labonte, Licensee's Contractor

Mr. Labonte stated that he had spoken to Mr. Zhao earlier in the day and suggested that they downsize the project for now and finish the Continental Bar side of the building, which has the bar, so that he can open. I told him that he needs to open by November; adding, he's really taken a hit on this project and he really needs to finish this and open up.

When asked by Chairman Beauregard if the Building Department has signed off on the cut down, Mr. Labonte responded, not yet, I only had the conversation with Mr. Zhao this morning but I will be contacting them.

Mr. Labonte stated that a lot of the preliminary work is done; it's just a matter of finishing up, and adding that there also have been some financial issues that Mr. Zhao has been dealing with but he expects to get an influx of funds in about 30 days.

Written Decision of 05/25/18

As a result of the open hearing held on May 21, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to table the matter until this Board's November 19, 2018 meeting; along with a request that Inspectional Services once again does an inspection of the premises prior to said meeting, and submit a progress report to the Board at said meeting.**

The Board's decision was based on the information provided by Atty. (Chris) Markey and Mr. Labonte (Contractor) on your behalf, in which they stated that although you have made significant progress with regard to the renovations but due to certain financial issues, there was still work to be done; and that some additional time would be needed to complete the renovations. Mr. Labonte also stated that he will be recommending to you that the work should be done in two phases, so that you may be operational by November 1, 2018.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler (Restaurant) All Alcoholic Beverages License.

15. Petition – Trans. # 00100-RS-0778– Plot # 137-A-67 – "To Be Rescinded for Failure to Comply"

Ying Dynasty, LLC d/b/a Ying Dynasty, Ying Shang Zhao, Manager of LLC, who is petitioning for a Change of LLC Members of the Common Victualler (Restaurant) All Alcoholic Beverages license. The petitioner is requesting that the resignation of Melanie Jiang as a LLC Member be accepted, and that their file be updated as follows. Upon approval, Ying Shang Zhao will remain as the Sole Manager and Interest Holder (100%) of the LLC and Shang X. Zhao will remain as a Sole Member of the LLC. **Shang X. Zhao will also remain as Manager on the Liquor License.** Premises will remain the same at **114-116 Nauset Street. Neither Advertisement nor Abutters Notification Required.**

***** Awaiting DOR Certificate of Good Standing & DUA Certificate of Compliance*****

Tabled at 01/22/18 Meeting**16. Hearing: Casa Chessa Corp. d/b/a Portobello**

Ms. Xiaohui Yang

555 Pleasant Street

Closed 06/30/17 – Licensee Decision**Prior Renewal Hearings: (5)**

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 01/22/18 Meeting**Present: Atty. Christopher Markey, Representing Columbus Group, LLC (Holder of the Liquor License)**

Atty. Market stated that the license may now be part of a bankruptcy filing by Mr. Chessa, for which there is a hearing in Brockton on August 9th; adding that he would know more after that hearing but for right now he can't file for a transfer until this matter is resolved.

Board's Written Decision of 08/10/18

As a result of the open hearing held on July 23, 2018 to determine the status of the annual liquor license issued to **Casa Chessa Corp.** for the year 2018, the **Board voted unanimously to table the matter until this Board's November 19, 2018 meeting; the Board's decision was to give you additional time to transfer the license to an entity of your choosing.**

The Board's decision was based on the information provided by Atty. (Chris) Markey on your behalf, in which he stated that an agreement had been reached with Casa Chessa Corp. to relinquish their rights to the license; and that you were actively looking for a new tenant to take over the restaurant space in your building.

If you fail to submit an application by November 1, 2018, you will be required to appear before this Board once again, **at which time the Board may consider revoking your license for non-use, as previously warned.**

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

DISAPPROVAL RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:

17. Transfer, Change Of License Type, Change of Location & Description - Trans. # 00084-RS-0778- Plot # 46--32
Columbus Group, LLC d/b/a Columbus Restaurant, Xiaohui Yang, Manager of the LLC, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to NB Hotel MT, LLC d/b/a New Bedford Harbor Hotel, who is also requesting the following approvals: a Change of License Type from a Restaurant license to Hotel (Innholder) license, a Change of Location from 218 Union Street to 218-222 Union Street, and a Change of Description of the Licensed Premises.

Upon approval, Xiaohui Yang aka Shiawee Yang (24%) and New Bedford Urban Renaissance II, LP (76%) will both be Co-Interest Holders of the liquor license; and **Dewan Kashem** is the **Proposed Manager of the Liquor License.** Upon completion of the ongoing renovations, the proposed 'Boutique Hotel' will consist of an area approximately 5,000 sq. ft., on the first floor of a five - story building, which will include a Dining and Bar area, Kitchen area, and Hotel Lobby and Registration Desk area, and two Restrooms; there will also be an additional area approximately 2,741 sq. ft., also on the first floor of a five - story building, which is contiguous to the dining area on the east side of the first floor area and will be used as a meeting and function area, and will have a portable bar and two Restrooms.

Alcohol will also be served in the sixty-eight (68) rooms located on floors 2-5; there will also be an area for the storage of alcohol in the basement. The 'Hotel' side of the licensed premises will have one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) entrances/exits into a common area, in which the hotel elevator is located, which will have two additional emergency exits; The function side will also have one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) means of egress by way of the common area and from the hotel side of the premises. The premises is situated on the south side of Union Street, on the corner of Union and Pleasant Streets, and **numbered 218-222 Union Street.**

"Returned No Action" - 09/11/18

Tabled at 07/23/18 Meeting

18. Hearing: Giraldo's Restaurant, Inc. d/b/a Adriana's Mexican Restaurant

Ms. Martha E. Gonzalez, Manager

1262 Acushnet Avenue

Re: Closed 01/01/18

Prior Renewal Hearings: (2)

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 07/23/18 Meeting

As a result of the open hearing held on July 23, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to table the matter until this Board’s November 19, 2018 meeting, with the following stipulations:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until November 1, 2018 to initiate one (1) of the following three (3) options prior to this date:**

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

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

Present: Martha Gonzalez, Manager/Co-Owner

Responding to questions from Chairman Beauregard, Ms. Gonzalez stated that they finally sold their home, so they now have funds available to re-open; but first they have to replace their air conditioning and heater unit, and that they were in the process of getting quotes, which should be completed in about a week.

Ms. Gonzalez went on to state that they plan on being open by September 27th, but if possible, maybe sooner.

Chairman Beauregard informed Ms. Gonzalez that it’s the Board’s intention to table the matter to the November 19, 2018 meeting but if they’re not open or have not transferred the license, they would have problems with the license.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your Common Victualler All Alcoholic Beverages License.

Tabled at 07/23/18 Meeting

19. Hearing: Route Six Properties, Inc. d/b/a Club Deja Vu

Mr. Kelvin Ortiz, Owner

161 Pope’s Island

Approved 11/01/17 – Licensee Decision

Prior Renewal Hearings: (2)

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 07/23/18 Meeting

As a result of the open hearing held on July 23, 2018 to determine the status of your annual liquor license for the year 2017, the **Board voted unanimously to table the matter until this Board’s November 19, 2018 meeting with the following stipulations:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until November 1, 2018 to initiate one (1) of the following two (2) options prior to this date:**

- 1.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 2.) Submit paperwork for the Sale and Transfer of the license to a new owner.

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

Present: Atty. Patrick Matthews along with Kelvin Ortiz, Owner

Atty. Matthews informed the Board that his client was still seeking a suitable location to continue providing adult entertainment or a location suitable for a bar or restaurant; and that he was still open to selling the license outright. He also stated that the additional time would offer his client an opportunity to resolve any DOR issues that he may still have outstanding.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your Common Victualler All Alcoholic Beverages License.

20. Hearing: Super 8 New York Buffet, Inc. d/b/a New York China Buffet

Ms. Mei Zhen Lin, Manager/Co-Owner
888 Ashley Boulevard

Re: Closed 07/16/18

Prior Renewal Hearings: (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2018. 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 2019 renewal application.

If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

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

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

Tabled at 07/23/18 Meeting

21. Hearing: The White Rose, LLC d/b/a Sam Potter’s Roast Beef

Ms. Jean C. Nicolazzo, Co-Manager of LLC
37 Union Street

Re: Closed/Renovations – Approved 10/16/17

Prior Hearings: (2)

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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. ***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.***

Minutes of 07/23/18 Meeting**Present: Jean C. Nicolazzo, Co-Owner**

Responding to questions from Chairman Beauregard, Ms. Nicolazzo stated that her husband has been dealing with some health issues and that they had some delays in finalizing their NBEDC financing, but they anticipate that the renovation would resume on or about August 1st, with the intention of opening on or about November 1st.

Board's Written Decision of 08/13/18

As a result of the open hearing held on July 23, 2018 to determine the status of your annual liquor license for the year 2018, the **Board unanimously voted to table the matter until this Board's November 19, 2018 meeting.** The Board's decision was based on the information you presented, in which you stated that renovations would be complete by late fall, at which time you would be operational.

If you are operational by November 1, 2018, you will not be required to attend the November meeting. **Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler (Restaurant) Wine & Malt Only Beverages License.**

***** It's also the Board's understanding that you are planning to change the manager of the liquor license, if so, I would strongly urge you to submit an application for said change by November 1st, so that it may be placed on our November Agenda for approval.**

Tabled at 07/23/18 Meeting**22. Hearing: Franklin Hospitality Corporation****Mr. Richard L. LaFrance, President****24 Union Street****Approved 08/09/17 – Renovations****Prior Renewal Hearings: (2)**

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 07/23/18 Meeting

As a result of the open hearing held on July 23, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to table the matter until this Board's November 19, 2018 meeting..**

If an application to alter the premises is submitted by November 1, 2018, you will not be required to appear as notified.

Present: Richard LaFrance, Owner

Responding to questions from Chairman Beauregard, Mr. LaFrance stated, we're still in the planning stages with respect to the best use of the premises and the license; and we've been meeting with restaurant planners, engineers, and architects, to determine which restaurant styles and floor plans are most suitable to the building and location.

Mr. LaFrance also stated that this process was delayed due to recent acquisition of the Waterfront Grill and the possible acquisition of the Beckman Building.

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

Tabled at 07/23/18 Meeting**23. Hearing: Albert J. Santos d/b/a Royal II****Mr. Albert J. Santos, Owner**

123 MacArthur Drive**Transfer Approved On 08/30/16****Prior Renewal Hearings: (3)**

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 01/23/18 Meeting**Present: Did Not Appear As Requested**

Upon taking the vote to remove item's 5-8 from the table, Chairman Beauregard, for the sake of expediency, addressed all those present at the same time; since they were all before the Board for the same issue as holders of inactive licenses.

Chairman Beauregard addressed those present by stating, all of you have been here on previous occasions for your establishment being closed ... it's our January meeting ... what I would propose is that we give you the entire 2018 year ... and we'll see you back here in November ... and hopefully by that time ... your licenses will either be sold (transferred) or you've transferred to a new location prior to then ... but instead of having you come back here every six months or more ... we'll give you to the rest of this year to move the license ... with the understanding ... come November ... the license will be revoked at the November meeting if you haven't done anything with it ... in which case you would have an opportunity to appeal that decision to the ABCC.

The following written decision was issued to the licensee on 01/25/18:

Although you failed to appear at this Board's January 22 meeting as requested, the Board chose to extend you the same courtesy as those that did appear, and voted unanimously to grant you until our hearing date of November 19, 2018 to activate or transfer your license by this time. Should your license remain inactive come November 19th, said license will be revoked by this Board at which time you will have an opportunity to appeal this action to the Alcoholic Beverages Control Commission (ABCC).

The decision of the Board is supported by MGL Chapter 138, Section 77 which states that "the Licensing Authority may, after hearing or reasonable opportunity there-fore, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business." The Board would suggest that eleven (11) months is a reasonable opportunity to make arrangements for your license.

I strongly suggest you make a concerted effort to reactivate your license to avoid any adverse action. Thank you in advance for your cooperation in this matter.

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.

Tabled at 01/22/18 Meeting**24. Hearing: Madeira Cafe, Inc. d/b/a Madeira Cafe****Ms. Caroline DaCosta, Manager/Co-Owner****70-76 Church Street****Re: Closed 06/30/17****Prior Renewal Hearings: (2)**

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 01/23/18 Meeting

Present: Caroline DaCosta, Owner

Upon taking the vote to remove item’s 5-8 from the table, Chairman Beauregard, for the sake of expediency, addressed all those present at the same time; since they were all before the Board for the same issue as holders of inactive licenses. Chairman Beauregard then addressed those present by stating, all of you have been here on previous occasions for your establishment being closed ... it’s our January meeting ... what I would propose is that we give you the entire 2018 year ... and we’ll see you back here in November ... and hopefully by that time ... your licenses will either be sold (transferred) or you’ve transferred to a new location prior to then ... but instead of having you come back here every six months or more ... we’ll give you to the rest of this year to move the license ... with the understanding ... come November ... the license will be revoked at the November meeting if you haven’t done anything with it ... in which case you would have an opportunity to appeal that decision to the ABCC.

The following written decision was issued to the licensee on 01/25/18:

As you are aware from the Board’s January 22 meeting, the Board voted unanimously to grant you until our hearing date of November 19, 2018 to activate or transfer your license by this time.

Should your license remain inactive come November 19th, said license will be revoked by this Board at which time you will have an opportunity to appeal this action to the Alcoholic Beverages Control Commission (ABCC).

The decision of the Board is supported by MGL Chapter 138, Section 77 which states that “the Licensing Authority may, after hearing or reasonable opportunity there-fore, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.” The Board would suggest that eleven (11) months is a reasonable opportunity to make arrangements for your license. I strongly suggest you make a concerted effort to reactivate your license to avoid any adverse action. Thank you in advance for your cooperation in this matter.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your Common Victualler All Alcoholic Beverages License.

Tabled at 07/23/18 Meeting

25. Hearing: The Edge Hospitality, LLC d/b/a The Edge Seafood Restaurant & Bar

Ms. Margaret Kulpinski, Owner

1480 –S East Rodney French Boulevard

“Closed/Licensee’s Decision” - 09/05/17

Prior Meetings (3)

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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.

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.

Minutes of 07/23/18 Meeting

Present: Gregory Kulpinski, Co-Owner

Responding to questions from Chairman Beauregard, Mr. Kulpinski stated that the deal with the Buzzard’s Bay Coalition fell

through, although they are still talking, there is nothing for sure, Mr. Kulpinski added that he's not going to be opening the restaurant again and that he has a couple of other people interested in the package but if nothing happens in a couple of weeks, he would separate the license from the property and sell it separately. He also stated that he has a couple of people interested in leasing the business as a restaurant but he's not looking to do that at this time. Mr. Nanopoulos instructed Mr. Kulpinski to contact him if he wanted his name to be on the list of available licenses.

Board's Written Decision of 08/13/18

As a result of the open hearing held on July 23, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to table the matter until this Board's November 19, 2018 meeting, with the following stipulations:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until November 1, 2018 to initiate one (1) of the following three (3) options prior to this date:**

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

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

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler (Restaurant) All Alcoholic Beverages License.

Tabled at 01/22/18 Meeting

26. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub

Mr. Philip C. Beard, Manager

672 - 674 Pleasant Street

Re: Closed 06/30/17

Prior Renewal Hearings: (2)

Your presence is respectfully requested at a hearing at the request of the members of this Board to discuss your plans for your liquor license for the year 2018 prior to this Board considering approval of your 2019 renewal application.

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.

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. ***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.***

Minutes of 01/22/18 Meeting

Present: Phillip Beard, Owner

When asked by Mr. Beard if all the other licenses that remained inactive would be afforded the same decision as we are getting tonight, to which Chairman Beauregard responded, they will be offered the same deal as you have.

Mr. Beard responded, it doesn't sound like the same deal, they've been closed a lot longer than I have, to which Chairman Beauregard responded, well, that's something you can take up with ABCC when the time comes at your appeal with the ABCC.

When asked by Mr. Beard if the Board was giving up their jurisdiction to the ABCC regarding the appeal, to which Chairman Beauregard responded, it's not that we're giving up our jurisdiction, it's the way the process works ... we make our decision ... and you have an opportunity to appeal our decision to the ABCC to make your argument ... they could possibly allow you to have an extension ... but they don't allow 'pocket licenses' ... over 6 months ...

so instead of 6 months ... we're going to give you a year ... you've already been afforded 6 months ... which by November will be over a year ... which we feel is giving you ample opportunity to move that license.

The following written decision was issued to the licensee on 01/25/18:

As you are aware from the Board's January 22 meeting, the Board voted unanimously to grant you until our hearing date of November 19, 2018 to activate or transfer your license by this time.

Should your license remain inactive come November 19th, said license will be revoked by this Board at which time you will have an opportunity to appeal this action to the Alcoholic Beverages Control Commission (ABCC).

The decision of the Board is supported by MGL Chapter 138, Section 77 which states that “the Licensing Authority may, after hearing or reasonable opportunity there-fore, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.” The Board would suggest that eleven (11) months is a reasonable opportunity to make arrangements for your license.

I strongly suggest you make a concerted effort to reactivate your license to avoid any adverse action. Thank you in advance for your cooperation in this matter.

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.

27. Hearing: Sapatinha’s Café, Inc. d/b/a

Smoke N Fishermen Seafood Restaurant & Bar (Euphoria Lounge)

Mr. Jose G. Borges, Jr. Manager/Owner

289 Acushnet Avenue

Closed 08/21/18

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2018. The hearing is also being held at the request of the members of this Board in order for you to update the Board as to your kitchen renovations.

Licensing Decision of 09/05/18

Per your hearing of August 27, 2018 regarding police complaints involving your establishment, the Board, after citing their concerns ultimately unanimously voted to receive and place the report(s) on file.

The Board’s decision was based on the fact that you have surrendered your license and will reopen as a restaurant with a completely new staff. Please be advised that this report will remain on file and may be re-visited upon receipt of any future complaints.

Also, the Board unanimously voted to keep possession of your liquor license until such a time as you complete the task of installing your kitchen. At the point of reopening, you are required to appear before the Board to review your plans relative to your hours of operation, a copy of your menu and any plans with regards to entertainment.

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.

28. Meeting: Cork County, Inc. d/b/a Slainte Irish Pub & Grille

Mr. Barry W. Flynn, Manager

34-44 Union Street

Your presence is requested at a meeting to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules and Regulations.

The Board is aware of numerous disturbances that continue to take place in and around your establishment and are concerned for the safety of your customers as well as those in the vicinity of these disturbances. As I trust you are aware, your responsibility to your patrons is not just confined to the interior of your establishment but to the exterior area adjacent to your establishment as well, especially if it involves an incident involving your patrons.

The reports before the board also indicate a frequency of high levels of intoxication amongst those causing the disturbances. Per the instructions of this Board, all servers are required to be TIPS certified and therefore cognizant of the signs of intoxication.

Your presence before the board is in the form of a meeting and not a hearing with the hope that we can have a meaningful dialogue in addressing the number of complaints involving your establishment. I kindly ask in preparation of this meeting that you give some thoughts to your current business plan and your thoughts towards customer safety going forward.

29. Meeting: Vault, LLC d/b/a Greasy Luck Brewpub**Mr. Mark Martinho, Manager**
791-797 Purchase Street

Your presence is requested at a meeting to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules and Regulations.

The Board is aware of numerous disturbances that continue to take place in and around your establishment and are concerned for the safety of your customers as well as those in the vicinity of these disturbances. As I trust you are aware, your responsibility to your patrons is not just confined to the interior of your establishment but to the exterior area adjacent to your establishment as well, especially if it involves an incident involving your patrons.

The reports before the board also indicate a frequency of high levels of intoxication amongst those causing the disturbances. Per the instructions of this Board, all servers are required to be TIPS certified and therefore cognizant of the signs of intoxication.

Your presence before the board is in the form of a meeting and not a hearing with the hope that we can have a meaningful dialogue in addressing the number of complaints involving your establishment. I kindly ask in preparation of this meeting that you give some thoughts to your current business plan and your thoughts towards customer safety going forward.

30. Petition – 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.**

Application has been advertised; Abutters have been notified

31. 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 to determine whether you have violated certain provisions of ABCC Regulations, and Licensing Board Rules & Regulations.

This hearing will focus on four (4) additional incidents that occurred on or about your premises.

The Licensing Board is especially troubled about the increase in the amount of incidents that are occurring, and your

continual failure 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, which may be directly related to your inability to control your premises as currently constituted.

Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license, and if warranted, a roll back of hours may also be considered.

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

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., 10, 11, 12, 43, & 63A-

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; 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; It is illegal to hinder, delay, refuse to provide information, 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.

Summary of Incident #1

One patron assaulted by another patron with a beer bottle on the premises.

Date and time of alleged violations: Sunday, September 30, 2018 @ approximately 12:40 a.m.

Police Reports #'s 18-12516-OF

Summary of Incident #2

An altercation on the premises between two female patrons with one of the female patron's throwing a beer bottle at the other patron.

The doorman stated that **they were separated inside and escorted outside**; where the fight altercation escalated into the parking lot where the Police Officers observed the combatants still fighting upon their arrival

Upon allowing the Police Officers to view the surveillance video of the incident, the officer's report states that one of the officers overheard Mr. Goncalves (Manager/Co-Owner) yell at his wife in Creole, 'that she should not have shown them the video surveillance'.

Date and time of alleged violations: Saturday, October 6, 2018 @ approximately 1:14 a.m.

Police Reports #'s 18-3145-AR/18-3146-AR

Summary of Incident #3

An intoxicated male was observed urinating outdoors on the side entrance of the establishment

Date and time of alleged violations: Sunday, October 7, 2018 @ approximately 12:52 a.m..

Police Reports #'s 18-3153-AR

Summary of Incident #4

Police Report states that officers were dispatched to a fight in progress inside the establishment, where upon arrival they were told by Ms. Goncalves that a fight had occurred by everyone had dispersed. The officers did find one male patron on the premises who had minor cuts on his face but refused to speak to them.

Date and time of alleged violations: Sunday, October 21, 2018 @ approximately 1:48 a.m.

Police Reports #'s 18-13510-OF

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

32. 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 'Public Hearing' of the New Bedford Licensing Board 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 -)

33. APPLICATION, (No Representation Required)

Dennis Madeira, who resides at **26 Ryan Street, New Bedford, MA.** is requesting approval of an application for a 'New' **Motor Vehicle Auto Body Repair Shop license** for **Manny's Auto Body**. The previously approved licensed premises consists of a concrete block building (26' X 84'), with an office, repair space, and one restroom. The facility, which **was previously approved for Priming, Painting, and Spraying**, is situated on the north side of Myrtle Street, between Buchanan and Garfield Streets, and is numbered **262 Myrtle Street**.

Note: Site was previously licensed to Manny Mello d/b/a **Manny's Auto Body. (New Owner Application)**

Final approval of the Motor Vehicle Auto Body Shop License will require a '**Change of Tenant**' from the **Office of Inspectional Services**, and a **copy of their RS#**.

*****Special Permit Is Pending******

34. APPLICATION, (No Representation Required)

Dennis Madeira, who resides at **26 Ryan Street, New Bedford, MA.** is requesting approval of an application for a 'New' **Motor Vehicle Class II Used Car Dealer license** for **Manny's Auto Body**. The previously approved licensed premises consists of a concrete block building (26' X 84'), with an office, repair space, and one restroom. The facility, which **was previously approved for Priming, Painting, and Spraying**, is situated on the north side of Myrtle Street, between Buchanan and Garfield Streets, and is numbered **262 Myrtle Street**.

Note: Site was previously licensed to Manny Mello d/b/a **Manny's Auto Body**, and was previously for the display of **Fourteen (14) cars** by the Office of Inspectional Services. **(New Owner Application)**

Final approval of the Motor Vehicle Class II License will require a '**Change of Tenant**' from the **Office of Inspectional Services**.

*****Special Permit Is Pending******

35. APPLICATION, (No Representation Required)

Jesse M. Goudencio, a, who resides at **66 Elliot Street, North Dartmouth, MA.** is requesting approval of an application for a 'New' **Motor Vehicle Class II Used Car Dealer license** for **Wing's Auto, Inc.** The current licensed premise is an auto body shop that consists of a cement block building, which includes a 10 bay repair garage, an office, and one restroom, The licensed premise includes a 2,100 sq. ft. paved area in front of the premises, as well as a fenced in area approximately 5,700 sq. ft. for the storage of vehicles. The premise is situated on the west side of Orchard Street between Orchard and Bonney Streets, and is numbered **550 Orchard Street**.

Note: Site currently operates as Auto Body Shop, licensee looking to sell cars that he fixes with additional cars; requesting approval for a ten (10) cars.

Final Approval of the Motor Vehicle Class II License will require a **Business Certificate** registering the name of the business from the office of the City Clerk, a '**current**' **Certificate of Inspection** from the office of **Inspectional Services**, a **\$25,000.00 Bond** and a **Notarized Letter** stating where repairs will be done.

***** Special Permit Previously Approved*****

- **CORRESPONDENCE**

--NONE--

- **COMPLAINTS RECEIVED:**

--NONE--

• **DOWNTOWN DISTURBANCES**

Saturday, 9/29/18

Call #18-111638, 1:36 a.m. - Male arrested on warrant after fight at **Greasy Luck**. Call refers to "large fight spilling into the street."

Saturday, 10/13/18-

Call #18-117043 – 1:32 a.m. - Male transported to hospital with head injury and second male charged with disorderly conduct after fight outside **Greasy Luck**.

Sunday, 10/14-

Call #18-117608 – 6:39 p.m. - Patron at **Slainte** reported he suspected someone had put something in his drink causing him to pass out.

Friday, 10/19

Call #18-119279 - 1:14 a.m. – Fight suppressed outside **Greasy Luck**.

Saturday, 10/20

Call #18-119706 - 2:16 a.m. – Assault reported in men's room of **Slainte**.

Thursday, 11/1/18

Call #18-124337 - 11:25 p.m. – **Greasy Luck** reported bouncer punched by customer.

Sunday, 11/4/18

Call #18-125209 - 1:34 a.m. – Disturbance suppressed at **Rose Alley Ale House** — male banging on door claiming employees stole his property.

Sunday, 11/14/18

Call #18-125194 - 1:56 a.m. - - Disturbance suppressed outside **Slainte**.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Whaler Inn & Suites	18-13800-OF	10/28/18	Female Assaulted In Lobby/ Failure to Provide Adequate Security (Approximate Time of Violation 3:28 a.m.)
2. Tropicana Bar & Grille	18-3317-AR	10/28/18	Two Patrons In Front of The Premises/ Alleged Offender Who Was 18 Yrs. Old Was Intoxicated & Stated That He Was Drinking In The Bar (Approximate Time of Violation 1:12 a.m.)
	18-13803-OF	10/28/18	***See Incident Above** Man Who Stated That He Was the Owner Refused To Give The Police His Name or Any Other Information (Approximate Time of Violation 1:12 a.m.)
3. Whiskey Lounge	18-13709-OF	10/26/18	Late Night Disturbance/ Hindering and Interfering With Police

			(Approximate Time of Violation 1:28 a.m.)
	18-14090-OF	11/02/18	Patron Assaulted/Intoxicated Patron/ /Serving To Intoxication (Approximate Time of Violation 10:26 p.m.)
4. Redwood Saloon	18-3370-AR	11/03/18	Intoxicated Patron/Serving To Intoxication/Late Night Disturbance Of Neighbors (Approximate Time of Violation 3:09 a.m.)
5. Greasy Luck Brewpub	18-14403-OF	11/10/18	Late Night Disturbance/Patron Assaulted Outside/Intoxicated Patron (Approximate Time of Violation 1:11 a.m.)
	18-14474-OF	11/12/18	Intoxicated Patron/Serving To Intoxication/Late Night Disturbance Of Neighbors (Approximate Time of Violation 1:30 a.m.)

• **HOLIDAY HOURS**

The Alcoholic Beverages Control Commission has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 22, 2018, as follows:

- Hotels, Restaurants, Taverns, and Clubs may sell Alcoholic Beverages during the usual hours. (8:00 a.m. until 2:00 a.m.)
- “Package Goods” Stores **may not sell or deliver** Alcoholic Beverages at any time on that day; ***but they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before.***
- Manufacturers and Wholesalers and Importers shall make no sales or deliveries at any time during the day.
- **NEXT TWO MEETING DATES: December 17, 2018 & January 28, 2019, both on Mondays, in Room 314**
- **MEETING ADJOURNED:**

The members and staff of the Licensing Board would like to take this opportunity to wish everyone a Happy Thanksgiving!!!!!!



"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.