

PRESENT: Steven A. Beauregard, Chairman
 Marcelino “Sonny” G. Almeida, Commissioner
 Edmund F. Craig, Jr., Commissioner
 Atty. Kreg Espinola, Asst. City Solicitor
 Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.
 Nick Nanopoulos, Director

❖ UNANIMOUSLY VOTED TO ACCEPT THE MEETING MINUTES OF June 25, 2018

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:

Altering of Premises – Trans. # 00189-RS-0778– Plot # 17-A-103

DeSouza Enterprises, LLC d/b/a Cove Surf & Turf, Jesse J. Souza, Co-Manager of the LLC, who is petitioning for a **Change of Description** of the **Common Victualler (Restaurant) Wine & Malt Only Beverages License to include an Outdoor Patio Seating Area**. The 670 sq. ft. outdoor ‘Patio’ area, which will be enclosed with a 2” Nautical Rope and Bollards, and will be used for seated dining purposes only. The enclosed area, which will include three (3) tables with seating for four (4) and three (3) tables with seating for two (2), which will allow for the seating of eighteen (18) patrons; and will be located on the north side of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by ‘Hostess Seating’ only; the area will also be monitored by the hostess and waitstaff at all times. There will be one entrance/exit that leads to the front door of the establishment. The proposed hours of operation are **daily from 11:00 a.m. until 9 p.m., at which time all outdoor activity must cease**. The applicant is also requesting that they be allowed to have live acoustic music within the patio area from **5 p.m. until 8 p.m. on Friday and Saturday nights only**. The premises will remain numbered **1500-1502 Cove Road**.

Outside Area Must Be Maintained As Advertised

Approved By ABCC – 07/12/18

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

Change of Manager – Trans. # 00199-PK-0778– Plot # 93-24

Xavier Market, Inc., 290 North Front Street, is requesting the approval of **John (Joao) de Gouveia**, who resides at 434 Loftus Street, New Bedford, MA., as their new manager.

Approved By ABCC – 07/13/18

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

Altering of Premises – Trans. # 00207-RS-0778– Plot # 52-289

No Problemo, LLC d/b/a No Problemo, Craig F. Paiva, Sole Manager of the LLC, who is petitioning for a **Change of Description** of the **Common Victualler (Restaurant) Wine & Malt Only Beverages License to include an outdoor ‘Sidewalk Café’ seating area**. The 162 sq. ft. outdoor ‘Sidewalk Café’ area, which will be enclosed with a 2” Nautical Rope and Bollards, will be used for seated dining purposes only. The enclosed area, which will include three (3) tables with seating for three (3), which will allow for the seating of nine (9) patrons, will be located on the east side (front) of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by ‘Hostess Seating’ only; the area will also be monitored by the hostess and waitstaff at all times. There will be one entrance/exit that leads to the front door of the establishment. The proposed hours of operation are **daily from 11:00 a.m. until Close of Business or Midnight, whichever is earlier, at which time all outdoor activity must cease**. Also, yearly use of the license is allowed and no permanent structures are allowed, in accordance, and as specified in the ‘Revised’ City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (As Adopted 06/05/18). The premises will remain numbered **805-813 Purchase Street**.

Outside Area Must Be Maintained As Advertised

Approved By ABCC – 07/13/18

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

Transfer of License – ‘New’ Trans. # 04245-RS-0778 (‘Old’ #00025-RS-0778)– Plot # 103–292

Olivia Anne, Inc. d/b/a The Pub, Robert J. Faria, Jr. who is petitioning to **transfer a Common Victualler All Alcoholic Beverages License** to **Olivia Pearl, LLC d/b/a The Bar**. Upon approval, Robert J. Faria, Jr. will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC. **Robert J. Faria, Jr.** is also the **Proposed Manager of the Liquor License**. The previously approved description will remain the same as follows:

The licensed premises consists of an area approximately 4,800 sq. ft., which consists of two rooms with a bar area and dining area, a kitchen, and two (2) restrooms on the first floor of a two-story building; with stock on the first floor and in the basement.

There is a main entrance/exit onto Dartmouth Street, and two emergency exits onto Rivet Street, and is **numbered 266-268 Dartmouth Street**.

Final approval will require a ‘**Change of Tenant**’ from the Building Department; as well as change of corp. name on Food Permit.

Approved By ABCC – 07/13/18

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

Change of Location – Trans. #00167-PK-0778– Plot # 123–109

New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, Jarod Santoro, President, who currently holds a **Retail Package Store All Alcoholic Beverages License**, currently exercised on premises located at **500 King’s Highway**; who is petitioning for a **Change of Location to 1074 King’s Highway**. The new licensed premises is located on the 1st floor of a one-story building in an area approximately 6,000 sq. ft., consisting of two rooms, which will include shelving for the sale and display of alcohol, a backroom for storage, an office, a redemption center, and two restrooms; as well as a walk-in display cooler. There is one (1) entrance/exit in the front of the building and one (1) entrance/exit into the redemption center; as well as one (1) entrance/exit into the storage room located at the rear of the building.

The premise is located in King’s Plaza, which is located on the south side of Hathaway Road, **and numbered 1074 King’s Highway**.

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

Approved By ABCC – 07/13/18

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

VOTED: Commissioner Almeida made a motion to remove Item # 1 from the table. – **Unanimous**

Tabled At 06/25/18 Meeting

1. Petition – Trans. # 88893-PK-0778– Plot # 78-101

E-Z Convenience & Gas, LLC d/b/a Mutual Mart, 1800 Purchase Street, is requesting the approval of **Roger DaSilva**, who resides at 382 Hathaway Boulevard, New Bedford, MA., **as their new manager**.

Minutes of 06/25/18

Present: Atty. Paul Los along with Roger DaSilva, Proposed New Manager

Responding to questions from Chairman Beauregard, Mr. DaSilva stated that he was T.I.P.S. Certified and that he would be on the premises 12 to 20 hours a week. Chairman Beauregard stated his concern with the limited hours that he would be on the premises, to which the other Board members concurred.

Chairman Beauregard suggested that maybe the matter be tabled to the next meeting with a request that Mr. Hitesh Patel also be present, since he is a co-owner and the current manager, and that he may be able to clarify the amount of hours that Mr. DaSilva will be required to be on the premises.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to table the matter to the Board’s July 23, 2018 meeting.** – **Unanimous**

Present: Atty. Paul Los along with Roger DaSilva, Proposed New Manager; along with Hitesh Patel, Current Manager

Responding to questions from Chairman Beauregard, Mr. DaSilva stated that he has come to an agreement with the owners to be on the premises at least 40 hrs. a week and that he’s been there for past 7-8 months, and that is where he’s gained the experience in the sale of alcohol.

Atty. Los stated that Mr. DaSilva is T.I.P.S. Certified and that he would make sure that all the other employees would be T.I.P.S. Certified.

Voted: Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval;

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

VOTED: Commissioner Almeida made a motion to take up **Item #'s 2 – 7** at one time; waive reading; and approve the applications as presented – **Unanimous**

2. APPLICATION, (No Representation Required)

New Bedford Festival Theatre, Inc., Wendy Hall, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'After Show Opening Night Reception' to be held at the **UMD Star Store Gallery**, located at **800 Purchase Street**; and to be held on **Friday, July 20, 2018 from 10:00 p.m. until 11:45 p.m.**

3. APPLICATION, (No Representation Required)

First Citizens Federal Credit Union/Southcoast Chamber, Melanie Gouveia, Representative who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'First Citizens' Business After Hours' to be held at **First Citizens Federal Credit Union**, located at **570 North Front Street**; and to be held on **Wednesday, August 8, 2018, from 5:00 p.m. until 7:00 p.m.**

4. APPLICATION, (No Representation Required)

Knucklehead's, LLC d/b/a Knucklehead's Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Shenanigan's Reunion in Memory of Mae Boise' to be held in the **Knucklehead's Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, August 19, 2018 from 12:00 p.m. until 11:00 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

5. APPLICATION, (No Representation Required)

Immigrants' Assistance Center, Inc., Helena S. Martins, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a 'Fundraiser' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held on **Thursday Aug. 9, 2018, from 7:00 p.m. until 10:00 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

6. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '9th Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 25, 2018, from 6:00 p.m. until 11:00 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

7. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Devin Robitaille, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '13th Annual New Bedford Seaport Chowder Festival', to be held on **Pier 3**; and to be held on **Sunday, October 7, 2018 from 11:00 p.m. until 6:00 p.m. (Change in Hours From 11 a.m. until 5 p.m.)** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)* ****SET-UP AS PREVIOUSLY APPROVED****

VOTED: Commissioner Almeida made a motion to remove Item # 8 from the table. – **Unanimous**

Tabled At 03/26/18 Meeting

8. 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: (1)

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

Minutes of 03/26/18 Meeting

As a result of the open hearing held on March 26, 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 July 23, 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 July 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.

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.

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 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.

VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to table the matter until this Board’s November 19, 2018 meeting with stipulations,**

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 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.**

VOTED: Commissioner Almeida made a motion to remove Item # 9 from the table. – **Unanimous**

Tabled At 03/26/18 Meeting

9. Hearing: Casa Chessa Corp. d/b/a Portobello

Dr. Xiaohui Yang

555 Pleasant Street

Closed 06/30/17 – Licensee Decision

Prior Renewal Hearings: (2)

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. 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.

Minutes of 03/26/18

As a result of the open hearing held on March 26, 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 July 23, 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.

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.

VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to table the matter until this Board’s November 19, 2018 meeting with stipulations,**

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.**

VOTED: Commissioner Almeida made a motion to remove Item # 10 from the table. – **Unanimous**

Tabled At 03/26/18 Meeting

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

Mr. Christopher Whittingham, Manager

37 Union Street

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

Prior Hearings: (1)

Your presence is respectfully requested at a hearing to determine the status of your renovations.

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.

Minutes of 03/26/18

As a result of the open hearing held on March 26, 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 July 23, 2018 meeting.** The Board’s decision was based on your written request to table the matter until the July meeting due to the late start on the planned renovations at the new proposed location at 37 Union Street as a result of a delayed closing with NBEDC, which are now ongoing; in which you also stated that you hope would be complete by late May, 2018.

Present: Jean C. Nicolazzo, Co-Owner

Prior to the opening of the hearing, Atty. Espinola recused himself from participating in the meeting, due to a possible conflict of interest.

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.

VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to table the matter until this Board's November 19, 2018 meeting with stipulations, 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 to that 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.

VOTED: Commissioner Almeida made a motion to remove Item # 11 from the table. – **Unanimous**

Tabled At 03/26/18 Meeting**11. 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 (2)**

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

Minutes of 03/26/18 Meeting

As a result of the open hearing held on March 26, 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 July 23, 2018 meeting.**

The Board's decision was based on the written information that you provided to the Board prior to the meeting in the form of a P & S Agreement, which must be accepted by the potential buyer and executed by June 29, 2018; which was an agreement to buy both properties and the liquor license.

If an application for transfer is submitted by July 1, 2018, you will not be required to appear as notified.

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.

VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to table the matter until this Board's November 19, 2018 meeting with stipulations,**

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.**

VOTED: Commissioner Almeida made a motion to remove Item # 12 from the table. – **Unanimous**

Tabled At 06/25/18 Meeting

12. 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 June 11, 2018 to submit an application for those changes previously referenced. **Your failure to submit this application will require you to attend the June 25, 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 06/25/18 Meeting

Present: Licensee was excused from attending.

Mr. Nanopoulos informed the Board that he's been working with a representative from Atty. Medeiros's office, who is preparing an application for the changes that are required; so based on that information, he recommended that the matter be tabled to the Board's July meeting by which time an application should be submitted.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to table the matter to the Board's July 23, 2018 meeting.** – **Unanimous**

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 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 look 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.

VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to table the matter until this Board's November 19, 2018 meeting with stipulations,**

Board's Written Decision of 08/10/18

As a result of the open hearing held on July 23, 2018 to determine whether you have violated certain provisions of Massachusetts General Laws and Licensing Board Rules and Regulations, this Board **voted unanimously to table the matter until the Board's November 19, 2018 meeting.**

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.

The Board's decision was based on you and your Attorney's assurance that this matter will be resolved with a family member regarding the dispersion of outstanding stock in order for an application to be filed to reflect the changes in the corporation, as required by law. The Board feels that this extra time is more than sufficient to resolve this matter.

An application must be submitted by November 1, 2018, so that it may be considered on November 19, 2018 by this Board. Failure to resolve this matter in a timely manner may result in your license not being renewed for 2019.

VOTED: Commissioner Almeida made a motion to remove Item # 8 from the table. – **Unanimous**

Tabled At 01/22/18 Meeting

13. Hearing: United Fishermen Club, Inc.
Mr. Mark Custodio, Manager
639 Orchard Street

As you were aware, you and Mr. Gil were requested to attend the Licensing Board meeting of June 25, 2018, yet both of you failed to attend. Your failure to attend is compounded by the fact that you both neglected to inform the Board of your inability to be present.

In January 2018, you informed this Board that you would remain as manager and Attorney Markey would be filing for a Change in Officers and Directors.

The Board elected to table the matter with the understanding that this paperwork would be filed in a timely manner. To date, that has not been done.

Please be advised that you have until July 6th to submit an application along with a Certificate of Good Standing from the Department of Revenue or your license will be suspended immediately. The Board has made repeated attempts to assist your establishment but your continued failure to act necessitates this action.

At the Board's next meeting of July 23, 2018, the board will determine what, if any, additional action needs to be taken. Your presence as well as Mr. Gil's is required at this hearing. Hearing time is 7:00 P.M. in Room 314.

As a result of your failure to comply in a timely manner, the Board will entertain testimony as to the actions of the United Fishermen Club, Inc. Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2018 Liquor License**. Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

*****Licensee was first notified on 10/23/17 by the Board to submit the required changes*****

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, and manager.

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. Immediate notice of the appointment must be made to the Board in writing.

Minutes of 06/25/18

Present: *No one appeared as requested.*

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to table the matter to the Board's July 23, 2018 meeting. – Unanimous**

Present: *Atty. Chris Markey along with Mark Custodio, Manager and Manuel Gil, President/Treasurer*

After discussing the matter at length with Atty. Markey and Mr. Custodio with regard to the application issue, it was agreed that Atty. Markey would wait for an application packet from Mr. Nanopoulos, so that he would have the exact forms that he would need to submit for the changes the club wants to make.

The Board also discussed the issue of the incomplete Hall Rental Agreements that are being submitted to this office, with Chairman Beauregard explaining the importance and requirement of submitting a Hall Agreement with all the information filled out complete; especially when it comes to Birthday Party events, stating that the age of the person for whom the party is being held is a vital piece of information that must be provided to the Board.

Mr. Custodio acknowledged that he understood the instructions that were given by Chairman Beauregard.

VOTED: VOTED: On a motion by Commissioner Almeida, the **Board voted unanimously to table the matter until this Board's August 27, 2018 meeting.**

Board's Written Decision of 08/13/18

Per your hearing before this Board on July 23, 2018, the Board reminded you that you are still required to submit a copy of the Licensing Board's Hall Rental Agreement for all events scheduled to take place in the function hall, and **that the**

Licensing Board shall be notified within twenty-four (24) hours of booking said event.

These forms must be completed in their entirety and forwarded to this office by fax (508-979-1546).

It should be noted that receipt of these agreements by this office does not in any way approve or condone any event noted; this form will be used for informational and monitoring purposes only.

Also included is a written reminder that both Under 21 Events and (VIP) Bottle Service are prohibited; and as the licensee, it is your responsibility to see that these types of activities are not allowed to occur on your premises.

Please be advised once again, failure to comply with this decision may result in sanctions against your license. Your immediate and continued use of these forms is required.

- **CORRESPONDENCE**

From: Ralph Sacramone, Executive Director **Dated** –06/26/18 **Received** – 07/02/18

Re: Pvt. Poirier Post #3260 V.F. W. d/b/a Veterans of Foreign Wars of the U. S. **281 Appleton Street.**

Notice of New Hearing Date: Tuesday, April 24, 2018 @ 2:00 p.m.; A hearing will be held by the Alcoholic Beverages Control Commission to determine whether the *Licensee* violated certain provisions of 204 CMR (1) Devices which furnish anything besides merchandise of a quantity and quality commensurate with purchase price deposited therein are Prohibited on licensed premises. (Continued on 03/13/18)

Date of Alleged Offense: Wednesday, June 27, 2017 at approximately 11:00 a.m.

DECISION: Based on the evidence, the Commission finds NO VIOLATION of 204 CMR 2.05 (1); Devices which furnish anything besides merchandise of a quantity and quality commensurate with the price deposited therein are prohibited on licensed premises occurred.

ACTION TAKEN: Received & Placed on File.

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

1. 07/05/18 – 3:30 a.m. - **The Garden** – Bartender reported male attempting to gain entrance after hours.
2. 07/08/18 – 1:35 a.m. – **Slainte Irish Pub** – Disturbance Suppressed.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Carreiro's Pub 126	18-7837-OF	06/25/18	Patron Assaulted/Shots Fired (Approximate Time of Violation 3:05 a.m.)
	18-2237-AR "LATE FILE"	07/22/18	Late Night Disturbance/ Over Capacity/Disorderly Person (Approximate Time of Violation 1:31 a.m.)

Decision: Bring In For a Hearing – 08/27/18

2. Whiskey Lounge	18-7910-OF	06/26/18	Patron Assaulted/Serving To Intoxication/Gambling Machine (Approximate Time of Violation 2:17 a.m.)
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Decision: The Board voted unanimously to receive the report and place it on file with a Letter of Warning.

3. Euphoria Lounge "LATE FILE"	18-8812-OF	07/15/18	Patron Assaulted With A Bottle/ Failure to Co-Operate With Police (Approximate Time of Violation 1:09 a.m.)
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Decision: Bring In For a Hearing – 08/27/18

- **Upcoming Summer Events & Festivals (For Review Only)**

- Feast of the Blessed Sacrament (Madeira Feast) – Aug. 2nd, 3rd, 4th, & 5th - *Licenses Applied For* – "No Changes"
- 13th Annual N. B. Seaport Chowder Festival – Sept. 24th - *Licenses Applied For* – Extended Hours

- **Review & Adopt 2018 Feast Security Plan – “Late File”**

ADOPTED FOR 2018

- ✓ ICS command center will be manned by NBPD, NBFD, Feast committee, EMS (located in main hall). ICS contingency plans have been followed including preliminary security meetings with all department heads, and table top exercise with St. Luke’s Hospital group.
- ✓ Current security system upgraded with all new cameras, (2) 65” monitors, laptops and operating system to include 10 wireless cameras, wireless cameras from Almar de Mar school, and NBPD cameras. Total cameras in use will be approximately 32-36 cameras. Cameras have been added in all locations that were deemed to be “not covered” by the current system. Presumably the entire grounds including the perimeter should be covered by all cameras when operational.
- ✓ Jersey barriers are being replaced with sanding trucks from DPI and or Fire trucks at all “entrance” points affording greater protection and ease of movement in case of emergency, bollards will be placed in sidewalks to stop possibility of cars driving on them and injuring patrons. In addition there will be 12 light towers in use this year over 3 last year to ensure that the perimeter is well lit for patrons and emergency personnel for everyone’s safety. EXIT signs will be painted on the ground directly in front of all exits and will include arrows properly placed to designate the correct direction of travel to exit. In addition photo luminescent exit signs will be attached to all gates that abut these exit areas.
- ✓ An additional gate has been added in the middle of the Feast grounds on the Hathaway Street side affording another form of egress and regress. This gate will be approx... 24-28’ in length while open and will allow for better flow of patrons during normal hours of operation as well as in the case of an emergency situation.
- ✓ System upgraded has been completed for communications to designate all emergency personnel to one primary channel for entirety of the Feast. This allows emergency personnel direct use of a designated channel (5) so as not to interfere with normal operations of police and fire channels. A separate dispatcher will also be designated solely for the Feast on this channel.
- ✓ Gillette stadium protocol as it pertains to bags has been adopted and will be enforced and posted on the Feast website. Again there will be no backpacks, clear bags only, and all bags are subject to search.

Decision: The Board unanimously voted **to receive and approve the 2018 Feast Security Plan, and place it on file.**

- **NEXT TWO MEETING DATES:** August 27th & September 24th both on Mondays, in Room 314 - **Approved**
- **MEETING ADJOURNED:** 7:41 p.m.