

**PRESENT:** Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. Kreg Espinola, Asst. City Solicitor – “Did Not Attend”

Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

- ❖ UNANIMOUSLY VOTED TO ACCEPT THE MEETING MINUTES OF NOVEMBER 20, 2017
- ❖ UNANIMOUSLY VOTED TO ACCEPT THE MEETING MINUTES OF DECEMBER 18, 2017
- ❖ UNANIMOUSLY VOTED TO ACCEPT THE MEETING MINUTES OF JANUARY 22, 2018
- ❖ UNANIMOUSLY VOTED TO ACCEPT THE MEETING MINUTES OF FEBRUARY 26, 2018

**APPROVALS (1) RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:****Change of d/b/a - Trans. # 00010-GP-0778 – Plot # 947—2**

Sapatinha Café, Inc., 289 Acushnet Avenue, who is requesting the approval of a change of d/b/a from Euphoria Lounge to Smoke N Fishermen Restaurant and Bar.

**Approved By ABCC – 02/27/18**

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

**1. Petition - Trans. # 00079-RS-0778 – Plot # 121 - 37A**

**Johnson Golf Management, Inc. d/b/a Whaling City Golf Course, Kelly Laramée, President**, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to W/S Golf Management, LLC. Upon approval, Susan S. Carlson and Bruce W. Carlson will both be Co-Members, Co-Managers, and Co-Interest Holders (50 %) in the LLC. **Susan W. Carlson** is the **Proposed Manager of the Liquor License**. The previously approved description will remain the same as follows: The existing Golf Course Clubhouse consists of an area, approx. 5,600 sq. ft., that includes a Bar and Dining Area, Pro Shop, Locker Room, Kitchen and Storage Area, which is located on the first floor of a one-story building with stock on the first floor; and there is also an enclosed outside deck, approx. 900 sq. ft. (36 X 25), that is contiguous to the bar and dining area, which is accessible directly from the course and through the clubhouse. The clubhouse has two restrooms, as well as three (3) entrances/exits and three (3) emergency exits. The premise is situated on the north side of Hathaway Road between Elmwood Drive and Shawmut Avenue, and is numbered **581 Hathaway Road**.

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

*Application has been advertised; Abutters notification not required*

**Present:** *Susan W. Carlson, Proposed Manager/Co-Owner along with Bruce W. Carlson, Co-Owner*

Mr. Nanopoulos confirmed with the Board, that the lease had been approved by the City Council at its last meeting, which would mean the Board could consider the transfer of the liquor license.

Responding to questions from Chairman Beauregard, Ms. Carlson stated that they planned to do some renovations to the clubhouse and some upgrades to the course; as well as to have a simple venue for lunch and dinner with a fully staffed bar. When asked by Chairman Beauregard if it was their intention to have a full operating bar, Ms. Carlson stated that was their intention.

When asked by Chairman Beauregard as to what their hours of operation would be, Ms. Carlson responded, seven (7) days a week...off course, our hours will be longer during the summer season ... but again based on market demand ... especially during the winter ... we’ll go by what is requested of our members.

When asked by Chairman Beauregard if they planned on having entertainment, Ms. Carlson responded, we put on our application that we would have entertainment ... but we have no plans for that right now.

Chairman Beauregard responded by asking Ms. Carlson to notify the Board once they decide to add some entertainment, to which Ms. Carlson responded that she would.

When asked by Chairman Beauregard if they would have the dining room and bar area functioning at all times, Ms. Carlson responded that they would have it open and functioning.

When asked by Chairman Beauregard if they would be allowing any catering on the premises, Ms. Carlson stated that it was their plan to prepare and serve all the food themselves but they understand that there have been a few events held in the past, which have been catered; adding, so there might be but we will handle all the alcohol.

When asked by Commissioner Almeida if everyone would be T.I.P.S. Certified including bartenders and waitstaff, Ms. Carlson stated that they would be.

When asked by Chairman Beauregard as to what time they would be closing, Ms. Carlson responded, as stated on our application ... during the golf season the bar/restaurant will be open at 8:00 a.m. - 10:00 p.m. daily ... with food served until 8 p.m. ... and liquor served per state law ... adding, the off season will be dependent on customer flow.

With no further questions, Chairman Beauregard called for a motion.

**Voted:** Commissioner Craig made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval; with a stipulation that Ms. Carlson submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of approval or prior; and that all her staff be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

## **2. Petition - 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, 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 a Hotel license, a Change of Location from 218 Union Street to 218-222 Union Street; as well as the approval of a Management Agreement with NB Hotel MT, LLC**. Upon approval, **Xiaohui Yang aka Shiawee Yang** will be a Co-Member, Co-Manager, and Co-Interest Holder (36%) in the LLC, and **New Bedford Urban Renaissance II, LP** will also be a Co-Member, Co-Manager, and Co-Interest Holder (64%) in the LLC; 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**.

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**.

***Application has been advertised; Abutters have been notified***

***Present: Atty. Christopher Markey representing NB Hotel, LLC***

Atty. Markey reviewed the application and the plans with the Board, which includes a management agreement with NB Hotel MT, LLC, and explained in depth as to how the operation would be run; adding that Mr. Kashem, the Proposed Manager, would be working with NB Hotel MT, LLC in operating the premises for NB Hotel, LLC d/b/a New Bedford Harbor Hotel.

Upon questioning Atty. Markey further, Chairman Beauregard stated that if the Board were to approve the application tonight to get the ball rolling, Mr. Kashem would have to appear before the Board at the next meeting for formal approval; but based on his resume, he didn't see that as a problem.

After discussing the application at length with Atty. Markey, of which there is an audio tape on file, and with no further questions from the Board, Chairman Beauregard called for a motion.

**Voted:** On a motion by Commissioner Almeida, the Board voted unanimously to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the following stipulations:

1. That Mr. Kashem appear before the Board at its 04/23/18 meeting for final approval as manager;
2. and that Mr. Kashem 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**

Tabled At 11/20/17 Meeting**3. Hearing: Casa Chessa Corp. d/b/a Portobello****Ms. Xiaohui Yang, Property Owner****555 Pleasant Street****Closed 06/30/17 – Licensee Decision****Prior Renewal Hearings: (2)**

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 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.

**11/29/17 Written Decision**

As a result of the open hearing held on November 20, 2017 to determine the status of the annual liquor license issued TO Casa Chessa Corp. for the year 2017, the Board voted unanimously to table the matter until this Board’s February 26, 2018 meeting; the Board’s decision was to give you ample time to transfer the license to an entity of your choosing.

**Present: Atty. Christopher M. Markey, On Behalf Of Columbus Group, LLC****03/26/18 Written Decision**

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 Casa Chessa Corp (Licensee) and Columbus Group, LLC (Landlord)****04/02/18 Written Decision**

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.

Tabled At 11/20/17 Meeting**4. Hearing: CUVE Wine, LLC d/b/a Crush New Bedford****Mr. Kristen Vasilev, Majority Owner****801 Purchase Street****“Closed/Licensee Decision” – 09/05/17****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. 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 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.

**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: No One Appeared As Requested**

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously not to take any action at this time, and to once again notify the licensee to appear before the Board at its next meeting; along with a warning that failure to appear as requested will result in the immediate revocation of the licensee’s Retail Package Store Wine & Malt Only license. – **Unanimous**

**Rec’d 03/06/18** – A written request from the licensee that this matter be **tabled until the Board’s June 25, 2018 meeting**, due to a financial delay on the part of the NBEDC; adding that renovations have begun with an anticipated opening date in late May.

**Tabled At 04/27/17 Meeting**

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

**Attv. Christopher R. Whittingham, Manager**

**37 Union Street**

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

**Prior 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 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.

**Present: Licensee Was Excused From Appearing**

Mr. Nanopoulos informed the Board that he drove by the premises and that it was obvious that the renovations had begun.

**04/02/18 Written Decision**

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.

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

**Rec’d 03/23/18** – A proposed P & S was submitted by Mr. Kulpinski with a June 28<sup>th</sup> date for the P & S to be accepted and finalized between the seller and buyer (**Table To July Meeting**).

**Tabled At 11/20/17 Meeting**

**6. Hearing: The Edge Hospitality, LLC d/b/a**

**The Edge Restaurant and Bar/& Tiki Bar**

**Ms. Margaret Kulpinski, Owner**

**1480 –S East Rodney French Boulevard**

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

**Prior Meetings (1)**

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 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.

#### **11/30/17 Written Decision**

As a result of the open hearing held on November 20, 2017 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 March 26, 2018 meeting. The Board also voted unanimously to renew your Common Victualler All Alcoholic Beverages license for 2018.**

The Board’s decision was based on the information that you provided to the Board on behalf of your wife, in which you stated that you had both the building and license for sale; adding, that if it was not sold by the springtime, that you planned on opening the premises as a function facility.

As you were informed at the meeting, any ‘change of use’ would require the Board’s approval, which would require you to appear before the Board and present us with a formal plan for the Board to approve, prior to opening.

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

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: Licensee Was Excused From Appearing**

Prior to the start of the hearing, Mr. Nanopoulos reviewed the copy of the P & S Agreement, which was submitted earlier in the day by Mr. Kulpinski; which Mr. Nanopoulos confirmed with Mr. Pontiff that there was in fact a P & S Pending.

The Board voted unanimously to receive the documents that were submitted and place them on file.

Based on the pending P & S Agreement that was submitted and the June 29, 2018 date by which the P & S needed to be executed by, the Board agreed that they should be allowed more time to complete the pending transaction.

#### **04/02/18 Written Decision**

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.

#### **Tabled At 11/20/17 Meeting**

#### **7. 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: (5)**

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 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.

**11/30/17 Written Decision**

**Present: Mr. Ramon D. Silva, Owner**

As a result of the open hearing held on November 20, 2017 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 March 26, 2018 meeting. The Board also voted unanimously to renew your Common Victualler All Alcoholic Beverages license for 2018 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 March 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.

The Board's decision was based on the information that you provided to the Board, in which you stated that you may either find a suitable location for a bar or restaurant, or sell the license outright.

If an application for either a transfer of license or a change of location is submitted by March 1, 2018, you will not be required to appear as notified.

If you fail to submit an application as requested, you will be required to appear before this Board once again, at which time the Board will consider revoking your license for non-use.

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

**Present: No One Appeared As Requested**

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously not to take any action at this time, and to once again notify the licensee to appear before the Board at its next meeting; along with a warning that failure to appear as requested will result in the immediate revocation of the licensee's Retail Package Store Wine & Malt Only license. – **Unanimous**

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

**Ms. Martha E. Gonzalez, Manager**

**1262 Acushnet Avenue**

**Closed 01/01/18 - Estimated – Licensee Decision**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2018. It has come to the attention of the Board that you have closed your establishment for more than seven (7) days, which requires you to surrender your license until you either re-open or transfer your license.

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.

**Violation: Licensing Board Regulation No.20**

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

Therefore, **you are required to surrender your license to the Board that evening** until such a time as you have initiated one of the following three options:

- 1.) To be open and operating at the approved location as stated on your license;
- 2.) Receive approval for a change of location and a date certain for the opening at the new location;
- 3.) Receive approval for the sale and transfer of the license to a new owner.

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 along with Fernando Giraldo, Co-Owner**

Prior to the start of the hearing, Ms. Gonzalez submitted a copy of an e-mail that they sent to the Mayor's Office regarding issues in the neighborhood, which they feel has affected their business, as well as a letter to the Board addressing some financial issues that have arisen as a result of these issues; and the action that they are taking to re-finance their business in a few months. The Board voted unanimously to receive both letters and place them on file.

Upon discussing the matter at length with both parties, the Board agreed that they should be allowed more time to resolve their outstanding issues, so that they may re-open.

**04/02/18 Written Decision**

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.

**VOTED:** Commissioner Craig made a motion to take up **Item #'s 9 - 11** at one time; waive reading; and approve the applications as presented – **Unanimous**

**9. APPLICATION, (No Representation Required)**

**Immigrants Assistance Center, Inc., Helena DaSilva Hughes, Executive Director**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a '47<sup>th</sup> Anniversary Fundraiser' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, March 30, 2018, from 6:00 p.m. until 10:00 p.m.**

**10. APPLICATION (No Representation Required)**

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "Viva Portugal Fundraiser"; to be held **in the street under a tent**, located at **684-686 Purchase Street**; and to be held on **Saturday, May 5, 2018, from 11:00 a.m. until 10:00 p.m. (Last Call 9:30 p.m.)**

*(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract) **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\****

**11. APPLICATION, (No Representation Required)**

**Club SS Sacramento Scholarship Committee, Edward Camara, Jr., Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Wine Tasting Fundraiser' to be held at the **Madeira Field - Main Pavilion**; and to be held on **Saturday, May 12, 2018 from 6:00 p.m. until 11:00 p.m.**

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

**Rec'd 03/06/18** – A written request from the licensee **to table tonight's hearing until the Board's next meeting on April 23, 2018**; the request was made due to the licensee being in Florida on a previously planned family vacation.

**12. Hearing: Cassandra, Inc.**

**d/b/a Redwood Saloon**

**Mr. Robert A. Faria, Jr., Manager**

**1566 Cove Road**

**Your presence** is requested at a hearing to determine whether you have violated certain provisions of M. G. L., Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations, as reported by the City of New Bedford Police Department. Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

The potential violations are as follows:

**Violation: Massachusetts General Laws Chapter 138, sections 12, 33-**

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

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

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

**Violation: Licensing Board Regulation No. 19-**

Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

**Summary of Incident Report #1**

Police Department Incident Report states that an Officer while on routine patrol observed a number of parked motor vehicles in the lot on which the business sits, well after the closing time stipulated by the Licensing Authority. Upon exiting his cruiser and walking a distance of approximately 20 or so feet, the Officer immediately noted loud music emanating from the interior of the business.

When the officer attempted to enter the establishment, he found the door to be locked.

The Officer then returned to his cruiser to file a report with regard to the activity he observed. A few moments later he observed a male exit the establishment who was known to him from prior dealings; when asked by the Officer if he was an employee of the establishment, the male stated that he was not; and the Officer noted the odor of an alcoholic beverage upon the male's breath but he couldn't put a time of his last drink.

The Officer once again attempted to gain access to the establishment through the door the male had just exited but once again he found it to be locked. The Officer then returned to his cruiser and ran the plates that were still in the parking lot, which included that of Robert Faria of Fairhaven, who he believed to be the manager of the establishment.

After speaking to one other male who exited the establishment who stated that he was there to help his friend who owned the business, the Officer made no further attempt to enter the establishment and could not say whether any other infractions existed with regard to this incident. The Officer cleared the scene at 3:27 a.m. at which time there were still patrons within the establishment.

**Date and time of alleged violations: Sunday, February 4, 2018 @ approximately 3:27 a.m.**

**Police Report # 18-1451-OF**

**Summary of Incident Report #2**

**Police Department Incident Report** states that Officers while on routine patrol observed 4 motor vehicles parked in the parking lot of the Redwood Saloon. And as he pulled up into the parking lot and exited his vehicle, he could hear that the Jukebox was still on.

As one of the Officers tried to raise the individuals in the bar by banging on the window, the Officer informed the other Officer that he could hear glass bottles and glasses being moved inside the bar.

Upon banging on the front door, the Officers were let in by the bartender and observed approximately 7 people standing around the bar but there was no liquor at the bar at the time they entered.

The Reporting Officer noted in his report that a few weeks prior the bar had been written up for the same situation by a different Officer.

**Date and time of alleged violations: Friday, February 16, 2018 @ approximately 2:33 a.m.**

**Police Report #s 18--1953 - OF**

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

**Present: Licensee Was Excused From Appearing**

Prior to the start of the hearing, Mr. Nanopoulos reviewed the written request from Mr. Faria, adding that he came in personally first to make the request, which was submitted the same day the notice of hearing was served.

The Board voted unanimously to receive the request and place it on file.

**VOTED:** On a motion by Commissioner Almeida the Board unanimously voted to table Item # 12 to the Board's next meeting as per the written request of April 23, 2018.. – **Unanimous**

**13. Hearing: Cassandra, Inc.**

**d/b/a Redwood Saloon**

**Mr. Robert A. Faria, Jr., Manager**

**1566 Cove Road**



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

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

**Present: Licensee Was Excused From Appearing**

Prior to the start of the hearing, Mr. Nanopoulos reviewed the written request from Mr. Faria, adding that he came in personally first to make the request, which was submitted the same day the notice of hearing was served.

The Board voted unanimously to receive the request and it on file.

**VOTED:** On a motion by Commissioner Almeida the Board unanimously voted to table Item # 13 to the Board's next meeting as per the written request of April 23, 2018.. – **Unanimous**

- **CORRESPONDENCE**

**From: Janel M. Cosgrove, Tax Examiner** **Dated –02/09/18** **Received – 02/09/18**

**Re: Route Six Properties, Inc. d/b/a Club Déjà vu** **281 Appleton Street.**

**Notice of Seizure:** Pursuant to the authority of Chapter 62C. section 56 of the M.G.L. and by virtue of a levy placed in my hands for execution of the Commissioner of Revenue, **I have seized the above described property for non-payment of delinquent Massachusetts taxes, in the amount of \$75,648.66.**

**Served By Kristin Davies**

**ACTION TAKEN:** Received & Placed on File.

**CERTIFICATE OF RE-APPOINTMENT** **City Clerk's Office, February 23, 2018**

This is to certify that in accordance with the laws of the Commonwealth of Massachusetts and the charter and ordinances of the City of New Bedford that **Marcelino "Sonny: G. Almeida, 79 Hunter Street, New Bedford, MA 02740**, was reappointed by the Mayor as a member of the **Licensing Board** for a term to expire **JUNE 2022**, and was **confirmed by the City Council** at a **meeting held on February 23, 2018.** **Attest: Dennis Farias, City Clerk, March 6, 2018**

**ACTION TAKEN:** Received & Placed on File.

**From: Ralph Sacramone, Executive Director** **Dated –01/18/18** **Received – 01/22/18**

**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.** **"LATE FILE"**

**ACTION TAKEN:** Received & Placed on File.

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Jalice Café	#18 – 678 – AR	03/11/18	Disturbance/Owner Assaulted/Patron Stabbed During Altercation (Approximate Time of Violation 9:20 p.m.)

**Decision:** Bring In For a Hearing – 04/23/18

