

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

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New CV Wine & Malt License - Tr.# 233 – Plot # 53--132L

The Noodle Bowl New Bedford, LLC d/b/a The Noodle Bowl, James G. Jezierski, Co-Manager of LLC, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, Madalena Jezierski will be a Co-Manager and Co-Interest Holder (51%), James G. Jezierski will be a Co-Manager and Co-Interest Holder (39%), and Matthew Jezierski will be a Co-Interest Holder (10%); and **James G. Jezierski** will be the **Manager of the Liquor License**. The licensed premises will be in an area approximately 1,580 sq. ft., which will include one (1) room that will include an area for dining with a small service bar. The area will also include a kitchen area with a walk-in cooler, a prep area, and an office/storage area on the first floor of a two-story building. The licensed premises will also include two (2) handicapped restrooms located in an adjacent first floor common area located on the south side of the premises, which will be accessible by an exit located in the rear of the building.

The premises is situated on the east side of Purchase Street between William and Union Streets, and includes one (1) entrance/exit in the front of the building onto Purchase Street; as well as an additional entrance/exit located in the rear of the building into a common area, and will be numbered **768 Purchase 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**’.

Approved By ABCC – 12/21/17

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

Change of Manager - Tr. #00038-RS-0778 – Plot # 53--131

Ribeiro Bros., LLC d/b/a Pour Farm Tavern & Grille, 780 Purchase Street, is requesting the approval of **Elizabeth J. Oliver**, who resides at 461 Summer Street, New Bedford, MA., as their new manager.

Approved By ABCC – 01/10/18

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

Transfer & Pledge of License – Tr. # 03837-RS-0778 (Old #Tr. #00031-RS-0778) – Plot # 23—9 “As Amended”

Antero L. Coelho db/a Antero’s, Antero L. Coelho, Sole Owner who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Agua De Pau Restaurant, Inc. d/b/a Toussaint Restaurant**; the proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcoholic Beverages License to the New Bedford Economic Development Council** with an address of **1213 Purchase Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Seventy-Five Thousand Dollars (\$75,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Upon approval, **Mamadou Diakite** will be the **President, Treasurer, Secretary, Co- Director and Sole Stockholder (100%)**; and **Lucan J. Sousa** will be a **Co-Director and the Manager of the Liquor License**. The premises will remain the same as follows: The premises is located on the street level of a Three (3) story building, which includes One (1) dining room approximately 2,000 sq. ft. with a bar, Two (2) Handicapped Restrooms, and seating for approximately Eighty (80) people, a pastry shop, approximately 350 sq. ft., with seating for approximately Ten (10) people; there is also a full kitchen, approximately 650 sq. ft., with the storage of liquor in the basement. There are two (2) main entrances/exits; one (1) into the dining room from Rivet St. and one(1) into the Pastry Shop/Kitchen from Bolton St., and two (2) additional rear exits. The licensed premises also includes a ‘Seasonal Outdoor Patio Area’ approximately 430 sq. ft. (10’ x 43’) to be used as a ‘Sidewalk Café’, which is enclosed by a 4 ft. high resin fence with a decorative lattice panel design, and is to be used for seated dining purposes only. The enclosed area includes Ten (10) tables for the seating of Thirty – Two (32) patrons for dining only, as well as a Hostess Station; and is located on the east side of the building, which is contiguous to the licensed premises.

The outdoor area is only accessible by way of an entrance/exit off the main entrance ramp located in the front of the building, and is accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times.

The hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1ST through October 30th**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15), and requires yearly approval from the City of New Bedford. The premise is situated on the corner of Rivet & Bolton Streets **and will remain the same at 418-420 Rivet 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'**.

Approved By ABCC – 01/16/18

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

Transfer & Change of Location – New Lic.# 03840-RS-0778 (Old Lic. #00060-RS-0778) – Plot # 86—3 – “LATE FILE”
DNJ Enterprises, Inc. d/b/a Oceans 18, James C. Nichols, Sr., Sole Director, for a license currently issued at **500 King's Highway**, who is petitioning to **Transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License to Kyler's Seafood, Inc., who is also requesting a Change of Location to 2 Washburn Street.** Upon approval, **Jeff Nanfelt** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (200 Shares), and the **Manager of the Liquor License.** Upon completion of the proposed renovations, the premise will consist of an enclosed outdoor patio area approximately 1,800 sq. ft. (30' X 60') to be used for seated dining purposes only. The enclosed area, which will include Fourteen (14) tables for the seating of Eighty-Four (84) patrons, and will include a Bar and a Raw Bar, will be located on the east side of the building; said area is contiguous to the additional proposed licensed premises that operates as a seafood market that includes an existing kitchen, two (2) restrooms, a walk in cooler, storage area, and take out area that will be accessible and used to service the outside deck area located within an area approx. 2,700 sq. ft. The proposed outdoor area will only be accessible by way of one (1) entrance/exit on the north 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 also be two (2) entrance/exits that lead into the Seafood Market on the west side of the deck. The licensed premise is situated on the South Side of Washburn Street, with an entrance/exit onto Washburn Street, with an emergency exit located at the rear of the building on the South Side of the building. The proposed hours of operation are **daily from 11:00 a.m. until 7:00 p.m. on Sunday through Thursday, and from 11:00 a.m. until 9:00 p.m. on Friday and Saturday.**

The premises will be numbered **2 Washburn Street.**

Final approval will require a **'Certificate of Inspection'** from the Building Department, a new **'Food Permit'** from the Health Department, and a copy of **'Proof of Liquor Liability': as well as receiving final approval from this office upon completion of the renovations.**

Approved By ABCC – 01/17/18

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

1. PETITION - Tr. #00003-RS-0778 – Plot # 106--4

Dublin's Sports Bar N Grille, LLC d/b/a Dublin's Sports Bar N Grille, Mario Gomes, Co-Manager of LLC, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Gloria Teixeira d/b/a Teixeira Bar & Grill, Gloria Teixeira, 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 **'Change of Tenant'** from the Building Department, a new **'Food Permit'** from the Health Department, and a copy of **'Proof of Liquor Liability'**.

Present: No One Was Required To Appear

Mr. Nanopoulos informed the Board that he had excused the applicant from appearing since this petition was simply a transfer of the liquor license back to the owner of the building, whose intention it was to market the license with the rental of the business space; and that once approved, the applicant would be brought in for a hearing for an inactive license, if she has not found a buyer prior to that meeting date.

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. – **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 2 - 4** at one time; waive reading; and approve the applications as presented – **Unanimous**

2. APPLICATION, (No Representation Required) – “LATE FILE”

New Bedford Art Museum/Artworks!, Amanda Watkins, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an ‘Opening Exhibit’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant St.**; and to be held on **Friday, January 19, 2018, from 6:00 p.m. until 8:00 p.m.**

3. APPLICATION, (No Representation Required)

Low Tide Yacht Club, John Pinheiro, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Scholarship Fundraiser”; to be held at the **Low Tide Yacht Club**, located at **1000B South Rodney French Boulevard**; and to be held on **Saturday, January 20, 2018, from 6:00 p.m. until 10:00 p.m.**

4. APPLICATION, (No Representation Required)

United Way of Greater New Bedford, Inc. Victoria Grasela, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “United Way Cocktail Party”; to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Tuesday, January 23, 2018, from 5:00 p.m. until 7:00 p.m.**

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #'s 5-8 from the table.**

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.

When asked by Mr. Flynn as to what would happen to the license if revoked, Chairman Beauregard responded, the license would be lost both to you and to the city, which is what we don't want to happen ... but you'll have the ability to appeal that decision to the ABCC.

Mr. Flynn then asked Mr. Nanopoulos if anybody had contacted him about the transfer of his license, to which Mr. Nanopoulos responded, no one has as of yet, although you did tell me that DNB Burgers may be interested in the license.

Mr. Flynn stated that he would contact DNB Burgers tomorrow.

Mr. Nanopoulos reminded Mr. Flynn, due to the fact that she has a wine & malt license at that location currently, she would have to either transfer her license at the same time or surrender her license back to the city once the transfer has been approved.

Mr. Flynn stated that he fully understood and that he was good.

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.

Mr. Beard responded, I believe there may be licenses that are out there that have been dormant longer, to which Chairman Beauregard responded, it could be ... worry about Phil Beard ... move your license ... they're going to be given the same ability to move their licenses as we have given you here tonight.

Those present stated that they understood when asked by Chairman Beauregard.

VOTED: On a motion by Commissioner Almeida the Board unanimously voted to table item #'s 5-8 until the Board's November meeting, which would allow the licensees until the Board's November 19th meeting to activate or transfer their licenses by this date. Should their licenses remain inactive come November 19th, said licenses will be revoked by this Board at which time they will have an opportunity to appeal this action to the Alcoholic Beverages Control Commission (ABCC). – **Unanimous**

Tabled At 07/24/17 Meeting

5. Hearing: Carrig, Inc. d/b/a Hibernia Brew Pub

Mr. Barry Flynn, Manager/Owner

109 William Street

Re: Closed 05/17/17

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 and to discuss your plans for your 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.

Minutes of 07/24/17 Meeting:

Present: Barry Flynn, Manager/Owner

Mr. Flynn stated that his name has already been added to the list of available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

The following written decision in part was issued to the licensee on 08/08/17:

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted to table the matter until the Board's January 2018 meeting and to approve your renewal for 2018 with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until January 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 General on Premise All Alcoholic Beverages License.

Present: Barry Flynn, Owner

"See Above For Discussion"

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-for, 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.

Tabled At 07/24/17 Meeting

6. 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: (1)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2018 and to discuss your plans for your 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 07/24/17 Meeting

Present: Philip C. Beard, Manager/Owner

Mr. Beard stated that his name has already been added to the list of available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

The following written decision in part was issued to the licensee on 08/08/17:

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted to table the matter until the Board’s January 2018 meeting and to approve your renewal for 2018 with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until January 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: Phillip Beard, Owner

“See Above For Discussion”

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.

Tabled At 07/24/17 Meeting**7. 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: (1)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2018 and to discuss your plans for your 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 07/24/17 Meeting**Present: Caroline DaCosta, Manager/Owner**

Ms. DaCosta stated that her name has already been added to the list of available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

The following written decision in part was issued to the licensee on 08/08/17:

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted to table the matter until the Board’s January 2018 meeting and to approve your renewal for 2018 with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until January 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: Caroline DaCosta**“See Above For Discussion”****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.

Tabled At 07/24/17 Meeting**8. 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: (2)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2018 and to discuss your plans for your 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 07/24/17 Meeting:

Present: Albert Santos, Manager/Owner along with Luis DaSilva, General Manager

Mr. Santos stated that his name has already been added to the list of available licenses to be sold, which is kept and posted in the Licensing Board Office; and issued to potential buyers upon request.

Chairman Beauregard suggested to Mr. Santos that he may have to separate the license from the building to sell it.

The following written decision in part was issued to the licensee on 08/08/17

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 renewal application; **this Board voted to table the matter until the Board’s January 2018 meeting and to approve your renewal for 2018 with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until January 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 General on Premise All Alcoholic Beverages License.

Present: Did Not Appear As Requested

“See Above For Discussion”

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.

Tabled At 12/18/17 Meeting

9. Hearing: United Fishermen Club, Inc.

Mr. Mark Custodio, Manager
639 Orchard Street

Your presence and that of the new president along with your manager of choice are respectfully requested at a hearing to determine the status of your annual liquor license for the year 2018.

Per your hearing of December 18, 2017, you stated to this Board that your organization would be holding elections sometime in early January where new officers would be elected.

Based on this information, the Board voted unanimously to table the matter to our January 22, 2018 meeting where you will be required to submit your new slate of officers and manager.

We also discussed your December 29th fundraiser and whether the building had suitable permits for the event to be held. Per the Health Department, you are currently prohibited from cooking and serve food at the establishment but you may obtain a temporary permit providing the food is catered. Currently you are only permitted to serve in the bar area. I suggest you obtain written permission from the Health Department as to how you are directed to proceed. Additionally, we have been informed by the Fire Department that you continue to have some outstanding issues, and if these issues remain outstanding at the time of this event, that you will be securing a fire detail. Again, you should request a written decision from the Fire Department as to how you should proceed.

Minutes of 12/1/17 Meeting

Present: Mark Custodio, Manager along with Manuel Gil, Incoming New President; Danny Romanowicz, Commissioner of Buildings along with James Berube, Area Inspector.

After discussing all outstanding issues with those present on behalf of the United Fishermen Club along with input from the Office of Inspectional Services, of which there is an audio tape on file, the following written notice delivered to both Mr. Custodio and Mr. Gil

Written Notice of 01/03/18

Per your hearing of December 18, 2017, you stated to this Board that your organization would be holding elections sometime in early January where new officers would be elected. Based on this information, **the Board voted unanimously to table the matter to our January 22, 2018 meeting where you will be required to submit your new slate of officers and manager.**

We also discussed your December 29th fundraiser and whether the building had suitable permits for the event to be held. Per the Health Department, you are currently prohibited from cooking and serving food at the establishment but you may obtain a temporary permit providing the food is catered. Currently you are only permitted to serve in the bar area. I suggest you obtain written permission from the Health Department as to how you are directed to proceed. Additionally, we have been informed by the Fire Department that you continue to have some outstanding issues, and if these issues remain outstanding at the time of this event, that you will be securing a fire detail. Again, you should request a written decision from the Fire Department as to how you should proceed.

Lastly, the new president along with your manager of choice are required to attend a hearing to be held in City Hall on Monday, January 22, 2018 at 7:00 p.m. in Room 120 (Ashley Room).

Present: Mark Custodio, Manager along with Manuel Gil, Incoming New President; ; Danny Romanowicz, Commissioner of Buildings along with James Berube, Area Inspector

When asked by Chairman Beauregard as to where the club was with their re-organization, Mr. Custodio responded, the club has a new board ... and I'm going to stay on as manager to help until they get back on their feet ... and Atty. Chris Markey will be filing an application reflecting the change of officers & directors through the ePlace Portal.

Mr. Custodio submitted a list of the new officers and directors that the Board unanimously voted to receive and place on file, which had been filed with the Secretary of State.

Chairman Beauregard then recognized the Commissioner of Buildings, Mr. Romanowicz, who submitted a packet to the Board that contained pictures and information with regard to building code violations, which the Board unanimously voted to receive and place on file.

The matter was discussed in great length with both Mr. Custodio and Mr. Gil, with input from Mr. Romanowicz and Mr. Berube, who informed those present as to what needed to be brought up to code; along with a time frame in which it needed to be completed by.

Mr. Custodio was shown a picture that had been taken days earlier, which showed two gaming machines in a secluded area, which Mr. Custodio was instructed to remove; to which he stated he would immediately.

VOTED: On a motion by Commissioner Almeida the Board unanimously voted to take no further action regarding this matter; with the stipulation that the required application be filed in a timely manner and that all building codes must be as directed by the Commissioner of Buildings. – **Unanimous**

• **CORRESPONDENCE**

From: Ralph Sacramone, Executive Director

Dated –12/13/17 Received –12/20/17

Re: N. B. Liquor Co. d/b/a Silva's Discount Liquors

452 Mt. Pleasant Street

Notice of Hearing Date: Tuesday, December 12, 2017 @ 12:00 p.m.; A hearing will be held by the Alcoholic Beverages Control Commission to determine whether the *Licensee* violated certain provisions of M.G. L. and Code of Massachusetts Regulations (CMR) as follows: 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, **to wit: M.G.L. Ch. 138 sec, 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. (2 Counts)**

Date of Alleged Offense: Friday, September 8, 2017 at approximately 5:45 p.m.

DECISION: Based on the evidence the Commission finds the Licensee violated 204 CMR2.05 (2) – Permitting an illegality on the licensed premises to wit: M.G.L. c.138 s.34c – Possession of an alcoholic beverage by a person under twenty-one (21). Therefore the Commission **suspends the license for seven (7) days of which two (2) days (01/31/18 & 02/01/18) will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

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. Euphoria Lounge	#17-162221-OF	12/23/27	Late Night Disturbance/ Illegal Stun Gun (Approximate Time of Violation 2:58 a.m.)

Decision: Bring In For A Hearing – 02/26/18

Subject: Liquor License Renewals For 2018 (Informational Only)

The Licensing Board herewith submits a report of all the Liquor License Renewals for 2018 by category and totals per.

Licenses classified as follows were issued and signed by the Board in the month of December 2017:

Common Victualler---All Alcoholic	86
Common Victualler---Wine & Malt (6 Days)	3
Common Victualler---Wine & Malt (7 Days)	15
General on Premise ---All Alcoholic	16
General on Premise---Wine & Malt (7 Days)	0
Clubs---All Alcoholic	24
Retail Package Stores---All Alcoholic	22
Retail Package Stores---Wine & Malt	16
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
TOTAL=185 (Net Gain -1)	

There was one (1) new license issued in 2017:

- ❖ **Standard Marine Outfitters, LLC, 137 Pope's Island (RPS W & M Only)**

There was one (1) license that was not renewed for 2017:

- ❖ **Shooter's Pub, Inc., (CV W & M), 2112 Acushnet Avenue, Licensee Decision/License Reverts Back To City (Mary's Steamed Hamburgers on Union Street may be applying for the license.)**

There was one (1) license revoked in 2017:

- ❖ **Portugal Verde Soccer Academy, Inc., (CV W & M), 424 Nash Road, Failure To Come Into Compliance With Fire & Building Codes/License Reverted Back To City (Transfer Pending to The Noodle Bowl New Bedford, LLC d/b/a The Noodle Bowl, 768 Purchase Street/New Business)**

There were 185 licenses issued for 2018 of which the following fifteen (15) licenses are currently inactive:

1. **Antero's (Antero L. Coelho d/b/a)** – CVAA – Transfer Pending to Agua De Pau Restaurant, Inc. d/b/a Toussaint Restaurant
2. **Club Déjà vu (Route Six Properties, Inc. d/b/a)** – CVAA – May Relocate Or Sell License
3. **Columbus Group (Columbus Group, LLC d/b/a)** – CVAA – Hotel Project – Planned May Opening
4. **Crush New Bedford (CUVE Wine, LLC d/b/a)** – RPS W & M – Transfer Pending To Rockdale Avenue Liquors, Inc d/b/a Seabra Food
5. **Dublin's Sports Bar N Grille, LLC** – CVAA – Signed P & S In Place, To Sell To The Property Owner.
6. **Franklin Hospitality Corp. (24 Union St.)** – CVAA – Building To Be Renovated In 2018
7. **Hibernia Brew Pub (Carrig, Inc. d/b/a)** – GOP – License For Sale
8. **Madeira Café (Madeira Café, Inc. d/b/a)** – CVAA – License For Sale
9. **Ocean's 18 (DNJ Enterprises, Inc. d/b/a)** – CV W & M – Transfer Pending To Kyler Seafood, Inc.
10. **Portobello (Casa Chessa Corp. d/b/a)** – CV AA – Business & License For Sale
11. **Royal II (Albert Santos d/b/a)** – GOP – Business & License For Sale
12. **Sam Potter's Roast Beef (The White Rose, LLC d/b/a) (37 Union St.)** – CVAA – Building To Be Renovated In 2018
13. **The Edge Seafood Rest. & Bar (The Edge Hospitality d/b/a)** – CV AA – Business & License For Sale
14. **Union City (Ramon D. Silva Enterprises d/b/a)** – CVAA – License Only For Sale
15. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a)** – CVAA – On Going Renovations

Note: There were 17 inactive licenses at the start of 2017.

- **NEXT TWO MEETING DATES:** February 26th & March 26th both on Mondays in Room 314
- **MEETING ADJOURNED:** 7:25 p.m.

Attest:



Nick Nanopoulos, Director, N. B. Lic. Bd.