

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:**Change of Beneficial Interest & D/B/A - Tr. # 02829-RS-0778 – Plot # 52—292**

Vault, LLC d/b/a Greasy Luck Brewery, Mark Martinho, Co-Manager of LLC, who is requesting a **Change of a LLC Co-Member and Co-Manager; and the Transfer of the Members Stock Interest in the Common Victualler (Restaurant) All Alcoholic Beverages License**. Christian A. Farland is petitioning to allow the transfer of all his corporate shares (33.333%), and to accept his resignation as a Co-Member and Co-Manager of the LLC. Upon approval, Alfred Peters, Mark Martinho, and (New) Howard L. Malloves IV will all be Co-Members, Co-Managers, and Co-Interest Holders (33.333 % each) of the LLC; a **Change of d/b/a to “Greasy Luck Brewpub is also being requested for approval**. Mark Martinho will remain as Manager of the Liquor License. Premises will remain the same at **791-797 Purchase Street**.

Approved By ABCC – 10/31/17**VOTED:** To accept the approval from the ABCC. – **Unanimous****Change of Officer, (New) Director, (New) Stockholder, Manager, & Transfer of Stock****Tr. # 02733-RS-0778 – Plot # 47--37**

Moby Dick Brewing Company, Inc., David N. Slutz, President, who is requesting a **Change of (New) Director, (New) Stockholder, Manager, and the Transfer (Re-Distribution) of Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**. Upon approval, David N. Slutz will remain as the President, a Co-Director, and a Co Shareholder (14.8%), Peter T. Kavanaugh will remain as the Treasurer, a Co-Director, and a Co-Shareholder (14.8 %), and Robert V. Unger will remain as the Secretary, a Co-Director, and a Co-Shareholder (14.8%), and Andrew Gomes will be a (new) Co-Director and Co-Shareholder (14.8 %); and Richard Lafrance (14.8 %), Maureen Sylvia Armstrong (14.8%), and Randall T. Weeks, Jr. (11.1%) will all remain as Co-Directors and Co-Shareholders. Mr. Slutz, on behalf of the corporation, is also requesting the approval of **Scott Burnell** who resides at **15 Justine Road, Plymouth, MA. as their New Manager**. Premises will remain the same at **52 Union Street**.

Approved By ABCC – 11/02/17**VOTED:** To accept the approval from the ABCC. – **Unanimous****Change of Officers, Directors, Manager, D/B/A, Stockholders, & Transfer of Stock-Tr. # 00120-RS-0778 – Plot # 53--35**

Times Square Restaurant, Inc. d/b/a Bar 908, Thomas Kern, President, who is requesting a **Change of Officers, Directors, Stockholders, Manager, D/B/A, and Transfer (Re-Distribution) of All the Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**. The petitioner is also requesting that the resignation of Joseph A. Kern as Stockholder of the corporation is accepted; and that the transfer of all his corporate shares (33.3) to Roberta D. Kern, who currently holds 66.6% of the shares, be approved. In turn, to approve 50% of Roberta D. Kern’s shares to be transferred as follows:

Upon approval, Nicholas Kern will be the President, Secretary, Co-Director, and Co-Shareholder (30%), Thomas Kern will be the Treasurer, Mark Rossi will be a Co-Director and Co-Shareholder (20%), and Roberta D. Kern will be a Co-Shareholder, retaining 50% of her Stock. Mr. Kern, on behalf of the corporation, is also requesting the approval of **Nicholas Kern** who resides at **30 Star Avenue, East Providence, R. I. as their New Manager**; as well as a request for a **Change of d/b/a from Bar 908 to Last Round Bar & Grille**. Premises will remain the same at **908 Purchase Street**.

Approved By ABCC – 11/02/17**VOTED:** To accept the approval from the ABCC. – **Unanimous**

Change of Manager - Tr. # 00082-HT-0778– Plot # 94--2

Emerald Partnership, Ltd. d/b/a New Bedford Inn & Suites, Dr. Satish Sharma, President, who is petitioning for a **Change of Manager of the Innholder All Alcoholic Beverages license**. The petitioner is requesting that the resignation of the current manager (Kathy Dehner) be accepted; and he is also requesting the approval of **Jason Barriteau** who resides at **118 Nellie Road, New Bedford, MA. as their New Manager**. Premises will remain the same at **500 Hathaway Road**.

Approved By ABCC – 11/09/17

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

Change of LLC Member, Managers, Stockholders, and Transfer of Stock - Tr. # 88893-PK-0778 – Plot # 78--101

E-Z Convenience & Gas, LLC d/b/a Mutual Mart, Hitesh Patel, Sole Manager of LLC and Sole Interest Holder, who is requesting a **Change of LLC Members, Managers, Interest Holders, and the Transfer of Corporate Interest in the Retail Package Store Wine & Malt Only Beverages License**. Hitesh Patel is petitioning to allow the transfer of all his corporate shares (100%), and to accept his resignation as the Sole Member and Sole Manager of the LLC. Upon approval, Roger DaSilva will be a Co- Member and **Co-Manager** of the LLC only and Jignesh J. Patel will be a Co-Member, **Co-Manager**, and Co-Interest Holder (10%) of the LLC; and Bhupendra B. Patel will be a Co-Member and Co-Interest Holder (10%), Sureshchandra D. Patel will be a Co-Member and Co-Interest Holder (35%), Bhadrish C. Patel will be a Co-Member and Co-Interest Holder (10%), and Arvind S. Patel will also be a Co-Member and Co-Interest Holder (35%) of the LLC. **Hitesh Patel** will remain as **Manager of the Liquor License**. Premises will remain the same at **1800 Purchase Street**.

Approved By ABCC – 11/10/17

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

Change of d/b/a - Trans. #03227-RS-0778 – Plot # 50--34 – “LATE FILE”

Ground Breakers, LLC d/b/a Doug’s Sports Lounge, 818 Kempton Street, is requesting the approval of a **Change of D/B/A** from **Doug’s Sports Lounge** to **Doug’s House of Harmony**.

Approved By ABCC – 11/17/17

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

1. PETITION - Trans. #00204-RP-0778 – Plot # 17--181 (No Representation Required)

ALA, LLC d/b/a MM Convenience, 30 Rockdale Avenue, is requesting the approval of a **change of d/b/a** from **MM Convenience** to **Alprime Gas**.

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 item #3 out of order as requested by Chairman Beauregard. – **Unanimous**

2. PETITION - Tr. #00070-RS-0778– Plot # 53-231-A & B – “LATE FILE”

Matterhorn RE, LLC d/b/a Cork, 90 Front Street, is requesting the approval of **Joseph R. Sciaudone**, who resides at 74 County Street, New Bedford, MA., **as their new manager**.

Present: Joseph R. Sciaudone, Proposed New Manager

Mr. Nanopoulos informed the Board that this was a late file application and that Mr. Sciaudone’s application stated that he would be on the premises 40+ hours.

Responding to questions from Chairman Beauregard, Mr. Sciaudone stated he’s been a bartender and a server for about 2 years and that he’s worked specifically at ‘Cork’ for the past 15 months, and that he knows the restaurant inside and out; adding that he’s been helping with liquor inventory, ordering, and staff scheduling.

Mr. Sciaudone concluded his remarks by stating that he was T.I.P.S. Certified and that all the staff is required to be T.I.P.S. Certified as well.

When asked by Chairman Beauregard if he was familiar with the rules and regulations with regard to underage events as it would relate to the rental of the upstairs area and deck, to which Mr. Sciaudone responded, “I do!”

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. Sciaudone 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**

3. PETITION - Tr. #00023-RS-0778– Plot # 104--40

Mimo Corporation d/b/a Café Mimo, Oliverio A. Ferreira, Director, located at 1528 Acushnet Avenue, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages licensed premises** to include an additional room with a service bar that is contiguous to the licensed premise. The additional room, which is approximately 814 sq. ft., is located on the first floor of the adjacent one story building and is numbered 1524 Acushnet Avenue. The additional room will have a direct entrance/exit into 1528 Acushnet Avenue and will be used for small functions and for additional dining. The licensed premise shall now be numbered **1524-1528 Acushnet Avenue**.

Final approval will require a **‘Certificate of Inspection’** from the Building Department, **as well as receiving final approval from this office upon completion of the renovations.**

Application has been advertised; Abutters notification not required

Present: Oliverio Ferreira, Manager/Owner along with his son Scott Ferreira

Responding to questions from Chairman Beauregard, Mr. (Scott) Ferreira speaking on behalf of his father stated, it will be basically used for small private function room ... buffet style communion breakfasts ... baptisms ... funeral luncheons things of that nature ... and for some small parties that we try to accommodate in the restaurant, which takes away from our regular business ... adding that there would not be any entertainment.

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**

4. PETITION – Tr. #00060-RS-0778– Plot # 86--3

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.**

Application has been advertised; Abutters have been notified

Present: Atty. Harvey Mickleson along with Jeff Nanfelt, Proposed Manager/Sole Owner

Responding to questions from Chairman Beauregard, Atty. Mickleson responded on behalf of his client by stating, it’s pretty well described in the application ... the building and the business there is currently operating as an excellent seafood market ... and has just started to engage in the business of preparing food for takeout ... and this is a natural adjunct to it ... it does overlook the Acushnet River ... it has a nice view ... it’s something that would be supportive to the rest of the business ... and it certainly would not create a disturbance to anyone in that area because it’s pretty secluded ... but quite pretty.

When asked by Chairman Beauregard if this was going to be a year round venture, Mr. Nanfelt stated that it would be.

When asked by Chairman Beauregard if there was going to be any entertainment, Mr. Nanfelt stated that there would be.

When asked by Chairman Beauregard if the alcohol would be stored and served from inside existing building, Atty. Mickleson stated that it would but then stated, I don’t want to misrepresent anything ... I was told tonight that his client would like to have a dispensing area (small bar) in this particular addition (deck) ... not inside the current building ... although the storage of alcohol will be in the existing structure.

When asked by Chairman Beauregard if it would be a seating bar or just a serving bar, Mr. Nanfelt responded, I haven’t got that far yet, but I would think it may have some seating and taps ... I just don’t know yet.

Mr. Nanopoulos informed the Board that the plans that were submitted include a bar and raw bar, and that was the way it was advertised; adding, whether it be a seated bar or just a serving bar, it will be included in the description, if the application is approved as presented.

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. Nanfelt 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 5 - 10** at one time; waive reading; and approve the applications as presented – **Unanimous**

5. APPLICATION, (No Representation Required)

UMASS Dartmouth Visual & Performing Arts, Deven Robitaille, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Monthly Business After Hours Event’, to be held at the College of Visual & Performing Arts Building, located at **182 Union Street**; and to be held on **Wednesday, November 8, 2017 from 4:30 p.m. until 8:00 p.m.**

(Final approval will require Liquor Liability with the City named as additionally insured.)

6. APPLICATION, (No Representation Required)

New Bedford Art Museum/Artworks!, Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an ‘Event to Honor the Chancellor’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Thursday, November 16, 2017 from 5:00 p.m. until 7:00 p.m.**

7. APPLICATION, (No Representation Required)

Rotch-Jones-Duff House Garden & Museum, Inc., Kate Corkum, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Celebrate the Season Event’ event to be held at the **Rotch-Jones-Duff House Garden & Museum**, located at **396 County Street**; and to be held on **Thursday, November 16, 2017, from 6:00 p.m. until 10:00 p.m.**

8. APPLICATION, (No Representation Required)

W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Events Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “W.H.A.L.E. Soiree Fundraiser”, to be held at **139 Union Street (W.H.A.L.E. property)**; and to be held on **Friday, December 15, 2017 from 5:30 p.m. until 7:30 p.m.**

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

W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Events Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a “W.H.A.L.E. Ribbon Cutting”, to be held at **38 South Sixth Street**; and to be held on **Thursday, December 21, 2017 from 4:00 p.m. until 6:00 p.m.**

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

N. B. Whaling Museum, Inc., Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘New Year’s Eve Fundraiser’ event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Sunday, December 31, 2017, from 8:00 p.m. until 10:30 p.m.**

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #’s 11 from the table.**

Tabled at 08/28/17 Meeting

11. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty

Mr. Shang Ying Zhao, Manager of LLC
114-116 Nauset Street

Approved 06/03/14 – Renovations
Prior Renewal Hearings: (7)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

08/28/17 Written Decision

Present: Atty. Christopher M. Markey, Legal Counsel for Ying Dynasty Nauset, LLC

Responding to questions from Chairman Beauregard, Atty. Markey stated, this is one where they’re struggling to get through the renovations ...there were a number of structural delays at the beginning of the process ... which included adding a sprinkler system ...as well as some financial issues that slowed the process as a result of increased costs along the way ... but there has been some progress but it’s still not complete ... so my client is asking for an additional ninety (90) days to complete the process and get it going.

The following written decision in part was issued to the licensee on 08/31/17:

As a result of the open hearing held on August 28, 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 November 20, 2017 meeting; along with a request that Inspectional Services does an inspection of the premises prior to the November 20th meeting and submit a progress report to the Board at said meeting.**

The Board’s decision was based on the information provided by Atty. (Chris) Markey on your behalf, in which he stated that you have made significant progress with regard to the renovations but there was still work to be done; and that some additional time would be needed to complete the renovations.

If you are operational by November 20, 2017, you will not be required to appear as notified.

Present: Atty. Christopher M. Markey on behalf of Ying Dynasty Nauset, LLC; Danny Romanowicz, Commissioner of Buildings along with Robert Labonte, Licensee’s Contractor

After being informed by Mr. Nanopoulos that the license has yet to be renewed for 2018, Atty. Markey stated that “it would be.

Responding to questions from Chairman Beauregard, Atty. Markey stated that although significant progress has been made with regard to the renovations but due to certain financial issues, there was still work to be done; and that some additional time would be needed to complete the renovations and requested an extension until May in order to finish the renovations.

The Board also reviewed the documents submitted by Mr. Romanowicz which showed what work has been completed and what is still left to be done, along with input from the contractor.

Atty. Markey also stated that Mr. Zhao had bought out his sister, to which Mr. Nanopoulos informed him that an application would have to be submitted reflecting any changes that have been made within the LLC.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to table the matter until this Board’s May 21, 2018 meeting;** along with a request that Inspectional Services once again does an inspection of the premises prior to said meeting, and submit a progress report to the Board at said meeting. The Board also voted unanimously to renew the Common Victualler All Alcoholic Beverages license for 2018; with the stipulation “that if the business is operational by May 1, 2018, the licensee will not be required to appear as notified.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #’s 12 from the table.**
Tabled at 10/23/17 Meeting

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

Mrs. Mairy M. Chessa, Manager/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 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.

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.

10/23/17 Written Decision

As a result of the open hearing held on October 23, 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 unanimously to table the matter until the Board’s November 20, 2017 meeting.** This decision was based on the information provided by the licensee, in which he stated that his lawyer was trying to work out an agreement with the landlord with regard to the license; and that it was his intention not to sign the ‘2018’ license renewal, if an agreement cannot be worked out.

Chairman Beauregard reminded Mr. Chessa that if he did not sign the liquor license renewal in November, that the license would be lost to him, the landlord, and to the city, since the city was over quota; therefore, the license would go back to the state and it could not be re-issued.

Present: Atty. Christopher M. Markey on behalf of Columbus Group, LLC along with Mairy M. and Pietro Chessa., Owners of Portobello

Responding to questions from Chairman Beauregard, Atty. Markey stated, on this matter ... as you well know ... the Columbus Group, LLC has a pledge on the license ... Portobello is no longer in business ... both Mairy and Pietro Chessa are here tonight ... and they’re being represented by Atty. Joseph Foley out of Fall River ... who I have been exchanging e-mails ... with regard to all disputes and claims ... and that agreement should be signed in the very near future ... he’s away right now ... but when he gets back ... he’ll review with his clients ... from my understanding ... we have an agreement in principle ... leaving one minor issue that we’ll try to figure out how to resolve it ... but the understanding is that they will be signing for the renewal ... and that Columbus Group, LLC will be paying the renewal fee in December with a transfer application to follow after the first of the year ... and that Mairy and Pietro have agreed to sign the renewal once the agreement with the Columbus Group, LLC has been signed ... I believe everybody is working in good faith at this point ... so I don’t see an issue with it not being resolved.

Mr. Nanopoulos reminded all present that the renewal has to be signed November 30th.

Voted: On a motion by Commissioner Almeida the Board unanimously voted to **unanimously to table the matter until this Board’s March 26, 2018 meeting to the licensee ample time to transfer the license to an entity of their choosing; and to renew the Common Victualler All Alcoholic Beverages license for 2018.**

13. Hearing: CUVE Wine, LLC d/b/a Crush New Bedford

Mr. Kristen Vasilev, Majority Owner
801 Purchase Street

“Closed/Licensee Decision” – 09/05/17

Your presence is respectfully requested at a hearing to be held in this office to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

Present: Atty. Andrew Ruff along with Kristen Vasilev, Licensee

Atty. Ruff stated on behalf of his client that a Purchase & Sale Agreement had been signed; and that Atty. Christopher Saunders would be submitting an application shortly for the transfer of the license to Rockdale Avenue Liquors, Inc., which would be located in Seabra Supermarket. He also stated that Mr. Vasilev would be in to sign the 2018 renewal and that the renewal fee of \$1,750.00 would be paid in December.

Voted: On a motion by Commissioner Almeida the Board unanimously **voted to table the matter to the Board's January 22, 2018 meeting**; the Board's decision was to give the licensee ample time to complete the pending sale and transfer of the license to Rockdale Avenue Liquors, Inc. or to another entity of their choosing; and to renew the Retail Package Store Wine & Malt Only Beverages license for 2018; with the stipulation that if an application for transfer is submitted for approval by January 5, 2018, the licensee will not be required to appear as notified.

14. Hearing Franklin Hospitality, Inc.

Mr. Richard L. Lafrance, Proposed Manager/Owner

24 Union Street

"Approved 08/09/17" – Never Opened

Prior Meetings (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

Rec'd 11/06/17 – A written request from Atty. Johnna Tierney on behalf of the licensee requesting that Mr. LaFrance be excused from attending tonight's meeting; adding that it was Mr. LaFrance's intention to sign the renewal and pay for the license, and to submit an application for a change of description as well as other items and to start the renovations of 24 Union Street, once plans have been finalized and approved by the building department.

Present: Licensee was not required to appear

Mr. Nanopoulos stated that he received a letter from Atty. Johnna Tierney on behalf of Franklin Hospitality, Inc., in which it stated that the company was still in the planning stages with respect to the best use of the premises and the license; and that the company was working with restaurant planners, engineers, and architects, to determine which restaurant styles and floor plans are most suitable to the building and location.

Voted: On a motion by Commissioner Almeida the Board unanimously **voted to table the matter to the Board's May 21, 2018 meeting** and to renew the Common Victualler (Restaurant) All Alcoholic Beverages license for 2018; with the stipulation that if an application for transfer is submitted for approval by May 1, 2018, the licensee will not be required to appear as notified.

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

Ms. Margaret Kulpinski, Owner

1480 –S East Rodney French Boulevard,

"Closed/Licensee's Decision" - 09/05/17

Prior Meetings (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

Present: Gregory Kulpinski, Co-owner

Responding to questions from Chairman Beauregard, Mr. Kulpinski stated that he had both the building and license for sale; adding, that if it was not sold by the springtime, that he planned on opening the premises as a function facility. Chairman Beauregard informed Mr. Kulpinski that any 'change of use' would require the Board's approval, which would require him to appear before the Board and present the Board with a formal plan for the Board to approve, prior to opening.

Voted: On a motion by Commissioner Almeida the Board unanimously **voted to table the matter to the Board's March 26, 2018 meeting** and to renew the Common Victualler (Restaurant) All Alcoholic Beverages license for 2018; with the stipulation that if an application for transfer is submitted for approval by March 1, 2018, the licensee will not be required to appear as notified.

16. Hearing: Route Six Properties, Inc.
d/b/a Club Deja Vu
Mr. Kelvin Ortiz, Owner
161 Pope's Island

Closed 11/01/17 – Licensee Decision
Prior Renewal Hearings: (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

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

Responding to questions from Chairman Beauregard, Atty. Matthews stated on behalf of his client that his client may either find a suitable location to continue providing adult entertainment, find a location suitable for a bar or restaurant, or sell the license outright.

Voted: On a motion by Commissioner Almeida, the Board unanimously **voted to table the matter to the Board's May, 21, 2018 meeting** and to renew the Common Victualler (Restaurant) All Alcoholic Beverages license for 2018; with the following stipulation: that the licensee has **until May 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.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #'s 17 from the table.**

Tabled at 08/28/17 Meeting

17. Hearing: Shooter's Pub, Inc.
Ms. Jere A. Espejo, Manager/Owner
2112 Acushnet Avenue

Closed 07/08/17 – Licensee Decision
Prior Renewal Hearings: (1)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

08/28/17 Decision

Present: Jere A. Espejo, Manager/Owner

Ms. Espejo presented a letter to the Board that stated that the business closed on 07/08/17 and that they were no longer in business, and that they have already turned their license in to Mr. Nanopoulos; and that they have the license up for sale, and that they requested that the license be posted on a list of available for sale that is maintained and issued by the Licensing Board. **The Board voted unanimously to receive the letter and place it on file.**

The following written decision in part was issued to the licensee on 08/31/17:

As a result of the open hearing held on August 28, 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 unanimously to table the matter until the Board's November 20, 2017 meeting 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 November 1, 2017 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To re-open and be 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 the "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

Present: The Licensee chose not to appear.

Mr. Nanopoulos read into the record the letter that was submitted by the licensee on November 20, 2017, which was unanimously voted upon by the Board to receive and place on file, which stated the licensee's intention not to renew their beer and wine license, and that they were in the process of dissolving their corporation.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted not to take any further action on this item; based on the licensee's decision not to sign their 2018 liquor license renewal.**

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #'s 18 from the table.**

Tabled at 08/28/17 Meeting

18. Hearing: Ramon D. Silva Enterprises, LLC d/b/a "Union City"

Mr. Ramon D. Silva

248-250 Union Street

Closed 11/16/15 – Licensee Decision

Prior Renewal Hearings: (4)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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.

08/28/17 Decision

Present: Mr. Ramon D. Silva, Owner

Mr. Silva presented a letter to the Board from Atty. John Williams, which stated in part that Frederick Miller has a signed Purchase and Sale Agreement to buy the on premise liquor license with 250 Union NB, LLC (Ramon D. Silva Enterprises, LLC); and that they were in the process of finalizing the transfer of said license, and hopefully it will be filed in time for the next hearing (October) before the Board. **The Board voted unanimously to receive the letter and place it on file**

The following written decision in part was issued to the licensee on 08/31/17:

As a result of the open hearing held on August 28, 2017 to determine the status of your annual liquor license for the year 2017, **this Board voted unanimously to table the matter until this Board's November 20, 2017 meeting.**

The Board's decision was based on the information that you provided to the Board in which you stated that you had signed a P & S with Frederick Miller, who is represented by Atty. John E. Williams; and that an application for transfer would be submitted no later than October 6, 2017.

You were also instructed by the Board to submit a completed application in a sufficient amount of time, so that it may be placed on the October Agenda, and if possible, the September Agenda for consideration by the Board for approval.

Please be advised that a completed application must be submitted by September 8, 2017 in order for it to be properly advertised for the September Meeting; or by October 6, 2017 or sooner for the October meeting.

Should you need assistance in filing your application for a transfer of license, please contact this office at your earliest convenience.

Present: Mr. Ramon D. Silva, Owner

Responding to questions from Chairman Beauregard, Mr. Silva stated that he had two previous deals that fell through and that you may either find a suitable location for a bar or restaurant, or sell the license outright.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to table the matter to the Board's March 26, 2018 meeting** and to renew the Common Victualler (Restaurant) All Alcoholic Beverages license for 2018; with the following stipulation: that the licensee 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.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #'s 19 from the table.**

Tabled at 10/23/17 Meeting

19. Hearing: United Fishermen Club, Inc.

Mr. Manual Gil, President

639 Orchard Street

Your presence or a legal designee of the Club is required to attend a hearing to determine how much progress has been made to come into compliance with the requirements of M. G. L. Ch. 138, sec. 12. If this matter is resolved prior to this meeting, you will be absolved from having to attend.

Per your hearing of October 23, 2017, it was determined that Mr. Custodio has resigned as the club's manager and the corporate make-up of your organization has changed as well. Per the Board's instructions, you were advised to hold an emergency board meeting to elect a complete slate of officers as well as a new manager. At the conclusion of the election, a designee of the Club must file Form 56d with the Secretary of State's office.

After filing Form 56d, you must contact Mr. Nanopoulos and he will assist you with your ePlace Account so the manager and officers can receive approval.

Present: No one appeared as requested.

Mr. Nanopoulos informed the Board that the club had not yet signed their 2018 liquor license renewal.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to table the matter to the Board's December 18th meeting.**

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #'s 20 from the table.**

Tabled at 10/23/17 Meeting

20. Hearing: Emerald Partnership Ltd. d/b/a New Bedford Inn & Suites

Mr. Satish Sharma, President

500 Hathaway Road

Per your hearing of October 23, 2017, this Board approved Jason Barriteau as the new bar manager and tabled any action on your request for a change of d/b/a from New Bedford Inn & Suites to Whaler Inn & Suites Banquet & Conference Center/ Ryan's Pub & Billiards.

The decision to table the name change was because the Board was not provided with sufficient information to determine your corporate structure.

You were informed that it is illegal to operate a business within a business and therefore the corporate structure as presented to the Board could not be approved. You indicated that you would be amending your corporation by adding a Mr. Paul Nunes as a co-owner. Mr. Nunes as we understand it will be managing the billiards area.

The Board expressed concerns that there appears to be a lot of different individuals currently involved with your operation. As such, would you kindly provide us with detailed job descriptions for the following individuals: Jacqui Levangie, James Hart, Paul Nunes, and Jason Barriteau.

Along with the job descriptions, we kindly ask that you provide the Board with an updated business plan including the service and flow of alcohol in the billiards area. Per our previous agreement, the sale and service of alcohol is restricted to the restaurant/billiards area and the conference rooms and that alcohol is prohibited in the pool and hotel areas of the development.

At this time, this board does not recognize Ryan's Pub and Billiards until you legally amend your corporation and receive approval from this office and the ABCC.

Your presence and that of Jacqui Levangie, James Hart, and Paul Nunes are required to attend a hearing to be held in **City Hall on Monday, November 20, 2017 at 7:00 p.m. in Room 120 (Ashley Room)**. Please be advised that should you or those requested to attend fail to appear, this Board may suspend your Innholder All Alcoholic Beverages License until this matter is resolved.

Present: Atty. Michael Frates along with Satish Sharma, Owner, Paul Nunes, James Hart, and Kathy Dehner, Former City Councilor and employee of Emerald Partnership, Ltd.

After discussing the Board's concerns at length with those present of which there is an audio recording, during which the licensee was informed that leasing out any portion of the premises that appears on the description of the licensed premises to any individual is illegal; and that only the licensee can derive profits from the activities on the premises, as well as being responsible for all debts incurred while operating the premises including liquor bills, food bills, hall rentals, state and federal taxes, and any other day to day expenses. The licensee was also warned that any illegal transfer of rights to or use of the license to Emerald Partnership, LTD, could result in the revocation of said license.

Voted: On a motion by Commissioner Almeida the Board **unanimously voted not to take any further action on this item at this time.**

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item #'s 21 from the table.**

Tabled at 10/23/17 Meeting

21. PETITION - Tr. # 00082-HT-0778- Plot # 94--2

Emerald Partnership, Ltd. d/b/a New Bedford Inn & Suites, Dr. Satish Sharma, President, who is petitioning for a **Change of d/b/a of the Innholder All Alcoholic Beverages license**. The petitioner is requesting a **Change of d/b/a from New Bedford Inn & Suites to Whaler Inn & Suites Banquet Center/Ryan's Pub & Billiards**. Premises will remain the same at **500 Hathaway Road**.

No Advertisement nor Abutters Notification Required

Present: Atty. Michael Frates along with Satish Sharma, Owner, Paul Nunes, James Hart, and Kathy Dehner, Former City Councilor and employee of Emerald Partnership, Ltd.

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 the stipulation that all rules and regulations that were previously discussed are adhered to. – **Unanimous**

• **CORRESPONDENCE**

From: Ralph Sacramone, Executive Director

Dated –10/25/17 Received –11/01/17

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.

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.Mark's Beverages (RPS)	#17 – 13370-OF	10/21/17	Serving a Minor Failure to Check I.D.'s (Approximate Time of Violation 5:47 p.m.)

Decision: Bring In For a Hearing – 09/25/18

2.Tilia's Rest. & Café	#17 – 3458-AR	10/22/17	Intoxicated Minor/Public Urination (Approximate Time of Violation 2:08 a.m.)
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Decision: Receive & Place on File with a Warning Letter

3.Ambiance Park Café	#17 – 14051-OF	11/05/17	Serving Alcohol Prior To The Allowed Time on a Sunday (Approximate Time of Violation 9:20 a.m.)
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Decision: Bring In For a Hearing – 09/25/18

4.Whiskey Lounge "LATE FILE"	#17-3728-AR	11/11/17	Drug Activity/Arrest on Premises (Approximate Time of Violation 9:55 p.m.)
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Decision: Receive & Place on File with a Warning Letter

5.First Base Café "LATE FILE"	#17-3733-AR	11/12/17	Drug Activity/Arrest on Premises (Approximate Time of Violation 1:25 a.m.)
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Decision: Receive & Place on File with a Warning Letter

- **HOLIDAY HOURS**

The Alcoholic Beverages Control Commission has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 23, 2017, as follows:

- Hotels, Restaurants, Taverns, and Clubs **may sell** Alcoholic Beverages during the usual hours. (8:00 a.m. until 2:00 a.m.)
- "Package Goods" Stores **may not sell or deliver** Alcoholic Beverages at any time on that day; **but** they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before.
- Manufacturers and Wholesalers and Importers **shall make no sales or deliveries** at any time during the day.
- **NEXT TWO MEETING DATES:** December 18, 2017 & January 22, 2018 on Mondays, in Room 120 -
- **MEETING ADJOURNED:** 8:15 p.m.