

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

CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2017 NOV 20 P 3:30
 CITY CLERK

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**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**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**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

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%), Bhadresh 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

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

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**.

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**.

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

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

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.**

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.

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.

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 to 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.

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.

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.

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.

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 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.

15. Hearing: The Edge Hospitality, LLC d/b/a The Edge –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.

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.**

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

Mr. Kelvin Ortiz, Owner

161 Pope's Island

Approved 11/01/17 – Licensee Decision

Prior Renewal Hearings: (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.

Tabled at 08/28/17 Meeting

17. Hearing: Shooter's Pub, Inc.

Ms. Jere A. Espejo, Manager/Owner

2112 Acushnet Avenue

Closed 00708/17 – 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.

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.

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

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

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

Please be advised that should you or an officer of the establishment fail to appear, this Board may suspend your General on Premise All Alcoholic Beverages License until this matter is resolved.

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.

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

• **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.

- **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.)
2. Tilia's Rest. & Café	#17 – 3458-AR	10/22/17	Intoxicated Minor/Public Urination (Approximate Time of Violation 2:08 a.m.)
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.)
4. Whiskey Lounge "LATE FILE"	#17-3728-AR	11/11/17	Drug Activity/Arrest on Premises (Approximate Time of Violation 9:55 p.m.)
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.)

- **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:**

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

