

LICENSING BOARD MEETING**-MINUTES-**

- Monday, September 25, 2017
City Hall, Ashley Room 120 – 7:00 p.m.

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****MOTION TO ACCEPT THE MEETING MINUTES OF APRIL 24, 2017****MOTION TO ACCEPT THE MEETING MINUTES OF MAY 22, 2017****MOTION TO ACCEPT THE MEETING MINUTES OF JUNE 26, 2017****MOTION TO ACCEPT THE MEETING MINUTES OF JULY 24, 2017****MOTION TO ACCEPT THE MEETING MINUTES OF AUGUST 28, 2017**

VOTED: To accept the “Minutes” of April 24th, May 22nd, June 26th, July 24th, and August 28th Meetings and to place them on file. – **Unanimous**

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:**Change of Officers & Directors - Tr. #00210-CL-0778– Plot # 99—5**

Our Lady of Angels Band, Inc., Antonio F.D. Cabral, President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses.

Upon approval, Antonio F.D. Cabral will remain as the President, Paul Chasse will be the (new) Vice-President, Nancy Cabral will be the (new) Treasurer and Lisa Chasse will be the (new) Secretary; and (new) Mario J. Duarte (new) Rogerio Matos, (new) Dulce Matos, John Medeiros, and Antonio Ventura will all be Co-Directors. Premises will remain the same at **1446-1452 Acushnet Avenue**.

Approved By ABCC – 09/14/17

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

Change of Officers & Directors - Trans. # 00054-CL-0778 - Plot # 93—92

Club Recordacoes de Portugal, Inc., Jose Ramos, New President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Jose Ramos will be the President and a Co-Director, Alipio DosAnjos will be the Vice-President and a Co-Director, Bruno Ramos will be the Treasurer and a Co-Director, and Avelino Sequeira will be the Secretary and a Co-Director. **Ricardo Martins** will remain as **Manager**. Premises will remain the same at **249-253 Coggeshall Street**.

Approved By ABCC – 09/15/17

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

1. PETITION - Tr. # 02829-RS-0778 – Plot # 52—292 (No Representation Required)

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**.

Application has been advertised; “Abutters notification not required”.

Present: *No one was required to appear.*

Mr. Nanopoulos informed the Board that this was simply a transaction where a new person was buying the shares of a current member of a LLC and replacing him as a Co-Member and Co-Manager of the LLC, and Co-Interest Holder in the LLC; and a request to change the d/b/a.

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**

2. PETITION - Tr. # 00151-RS-0778– Plot # 53--198 (No Representation Required)

Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, President, who is requesting a **Change of Officer, (New) Director, (New) Stockholder, and Transfer of Stock** in the **Common Victualler (Restaurant) All Alcoholic Beverages License**. Jason P. Lanagan is petitioning to allow the re-distribution of all the issued corporate shares equally (33.333%) between the three shareholders and to accept his resignation as the Secretary. Upon approval, Jason P. Lanagan will remain as the President, Co-Director, and Co-Shareholder (33.333%), Howard L. Mallowes IV will remain as the Treasurer, Co-Director, and Co-Shareholder (33.333%), and **Venessa Kollars**. will be the (New) Secretary, (New) Co-Director, and (New) Co-Shareholder (33.333%). Jason P. Lanagan will remain as Manager of the Liquor License. Premises will remain the same at **35 Union Street**.

Application has been advertised; “Abutters notification not required”.

Present: *No one was required to appear.*

Mr. Nanopoulos informed the Board that this was simply a transaction where a new person was buying into the corporation and was being added as an officer (Secretary) of the corporation; along with a re-distribution of the shares in the corporation, resulting in each co-owner holding 33.333 % of the shares.

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**

3. PETITION - Tr. # 00201-GP-0778– Plot # 104--525 (No Representation Required)

N & W Convenience Mart, Inc., Waqar A. Butt, President, who is requesting a **Change of Officer (Treasurer)** of the **Retail Package Store Wine & Malt Only Alcoholic Beverages License**. Nasir Mehmood is petitioning to accept his resignation as Vice President and Treasurer in the corporation. Upon approval, Waqar A. Butt will remain as the President, (new) Treasurer, Secretary, Sole Director, and Sole Shareholder (100%). **Waqar A. Butt** will also remain as **Manager**. Premises will remain the same at **425-433 Belleville Avenue**.

(No Advertisement nor Abutters Notification Required)

Mr. Nanopoulos informed the Board that this was simply a transaction where one person in the corporation resigned his position, with the remaining person in the corporation remaining as the Sole Officer and Sole Stockholder.

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. # 00125-GP-0778– Plot # 99—165

Café Monte Carlo Corp., Tony S. Pereira, President, who is requesting an **Addition of a Director and a Change of Manager** of the **General on Premise All Alcoholic Beverages License**. Upon approval, Tony S. Pereira will remain as the President, Treasurer, Secretary, Co - Director, and Co-Shareholder (500 Shares); and Ana P. Teixeira will be a Co-Director (New) and will remain a Co-Shareholder (500 Shares). Mr. Pereira, on behalf of the corporation, is also requesting the approval of **Ana P. Teixeira**, who resides at **397 Shaw Street, N.B., MA. as their New Manager**. Premises will remain the same at **1478 Acushnet Avenue**.

(No Advertisement nor Abutters Notification Required)

Present: *Atty. Donald Perry along with Ana P. Teixeira, Proposed New Manager and Director*

Responding to questions from Chairman Beauregard, Atty. Perry stated that Ms. Teixeira has worked at the Café since they have opened, and Mr. Pereira who’s out fishing a lot, has decided to make Ms. Teixeira a director in the corporation, as well as the manager; adding that she’s worked at the Café since it’s opened (10 years) and that she’s also a 50% owner in the corporation.

When asked by Chairman Beauregard if she and all her bartenders would be T.I.P.S. Certified, Ms. Teixeira sated that they were.

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 Ms. Perry submit a copy of her T.I.P.S.

Certification to the Licensing Board office within thirty (30) days of opening or prior. – **Unanimous**

5. PETITION - Tr. # 00174-PK-0778– Plot # 18--107

People’s Super Liquor Stores, Inc. d/b/a Douglas Wine & Spirits, John Haronian, President, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to RAMDEVPIR Corp. d/b/a Jay’s Wine & Spirits**. Upon approval, Twinkle B. Patel will be the President, Treasurer, Secretary, a Co-Director and a Co- Shareholder (75%), and Anandsaran M. Patel will be a Co-Director and a Co-Shareholder (25%).; and **Shilpa T. Patel** is the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License and Inventory to Rockland Trust Company** with an address of **288 Union Street, Rockland, MA.** as security to authorize and execute a promissory note in the amount of **Seven Hundred and Fifty Thousand Dollars (\$750,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23..**

Premises will remain the same as follows: One room with a walk-in cooler, bottle redemption area, delivery room and office, with stock storage in the rear room on the first floor of a one-story building. The premises is situated in a plaza on the east side of Dartmouth Street between Jenkins Street and Rockdale Avenue, and numbered **446 Dartmouth Street**.

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

Application has been advertised; “Abutters notification not required”.

Present: Atty. Daniel Vieira along with Shilpa Patel, Proposed Manager and Twinkle Patel, Proposed Majority Owner

Responding to questions from Chairman Beauregard, Atty. Vieira stated that this a transfer of an all alcohol package store license, and that his clients who are husband and wife have extensive experience in this business for more than 10 years; and Shilpa has managed Lyndon’s Liquors for the past four years and they are both T.I.P.S. Certified.

Atty. Vieira added that she will be splitting her time between the two stores, and that she’ll be on site between 25 -40 hours week, depending how she splits the hours with her husband; so either her or her husband will be on site at all times between the two stores; he also stated that there would not be any changes to the business except the proposed name change to Jay’s Wine & Spirits.

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 Ms. Patel submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of opening or prior; and that all her staff be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #’s 6 - 11** at one time; waive reading; and approve the applications as presented – **Unanimous**

6. APPLICATION, (No Representation Required)

Group Folkloric Madeirense, Michael Canastra, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Fundraiser Dinner’, to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Saturday, September 23, 2017 from 6:00 p.m. until 11:45 p.m. **NO CHANGES, AS PREVIOUSLY APPROVED****

7. APPLICATION, (No Representation Required)

The Y.M.C.A –Southcoast, Tara Pacheco, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘150th Anniversary Gala’ to be held at the **Y.M.C.A –Southcoast**, located at **25 South Water Street**; and to be held on **Saturday, September 23, 2017, from 6:00 p.m. until 11:00 p.m.** *(Final approval will require a copy of the Police Detail Contract)*

8. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only License** for an “Exhibit Opening” to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, September 28, 2017, from 6:00 p.m. until 8:00 p.m.**

9. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “Dinner/Reception” to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Sunday, October 8, 2017, from 5:30 p.m. until 9:00 p.m.**

10. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc., Michelle Gomes, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Howl Halloween Party' to be held within the **Buttonwood Park Zoo**; and to be held on **Friday, October 20, 2017, from 7:30 p.m. until 11:00 p.m.**

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

11. APPLICATION, (No Representation Required)

N. B. Chapter of the Prince Henry Society, William Viveiros, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for an 'Installation Banquet' event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, October 28, 2017, from 5:30 p.m. until 10:30 p.m.**

Rec'd 09/08/17 – A written request was received from Atty. Gregory Longo, who stated that he was representing Simba, Inc. in this matter, asking that this hearing be postponed until the Board's next meeting due to a scheduling conflict that requires him to be out of New Bedford on that day; Said request was granted.

12. Hearing: Simba, Inc.

d/b/a Whiskey Lounge

Ms. Kristina Morrow, Manager/Co-Owner

1669 Acushnet Avenue

Your presence and that of Laurence Bucha, Co-Owner, is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and/or Licensing Board Rules & Regulations. This hearing will address: (a) the incident that occurred on August 17, 2017; (b) the failure of management to co-operate with detectives conducting their investigation; (c) the control and operation of the licensed premises; (d) the numerous calls to service on reports of disturbances; (e) reports of serving after hours; (f) and the licensee's failure to enforce the rules and regulations of the New Bedford Licensing Board.

Depending on the evidence presented, this Board may act to modify, suspend, revoke, or cancel your liquor license.

The potential violations are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No.1, 6, 11 & 12-

Licenses may not be transferred or surrendered without permission of the Board; each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen; Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Your failure to appear at this meeting will result in the immediate suspension of your liquor license until this matter is resolved.

Date and time of alleged violations: Thursday, August 17, 2017 @ approximately 2:44 a.m.(Police Report # 17-10284-OF

13. Hearing: Simba, Inc. d/b/a Whiskey Lounge

Ms. Kristina Morrow, Manager/Co-Owner

1669 Acushnet Avenue

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

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

Voted: On a motion by Commissioner Almeida the Board **unanimously voted to remove item # 14 from the table.**

Tabled At 07/24/17 Meeting – “LATE FILE”

14. APPLICATION, (Special Permit Has Been Approved/Change of Ownership)

Martha Perez, who resides at **777 County Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Ebenezer Used Tires, Mechanical Work, and Used Car Sales**, with premises situated at **1519 Purchase Street**.

Note: Site was previously licensed to **Universal Used Autos & Repairs**, whose license was surrendered on **04/25/17**; site was previously approved for the display of **Ten (10) cars** by the **Office of Inspectional Services**.

Final approval of the Motor Vehicle Class II License will require a ‘**Change of Tenant**’ from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

Present: *Martha Perez, Applicant along with her husband and a friend who was present to act as her interpreter.*

Mr. Nanopoulos informed the Board that this item was mistakenly left off the agenda, and since the issue is one that did not have to be advertised nor required the abutters to be notified, it could be taken up by the Board as a late file; which was confirmed by Atty. Espinola.

Responding to questions from Chairman Beauregard, Ms. Perez stated that the repairs would be done on the premises, and that there would not be any body work done on the premises; and that they would not store any junk cars or take any trade-ins.

Ms. Perez also stated that they would be dealing in used tires as well as selling cars they buy from the auction.

VOTED: Commissioner Almeida made a motion to approve the application as presented pending receipts of all necessary documents; and to approve the license for the display of Ten (10) cars as previously approved for that location by Inspectional Services – **Unanimous**

• **CORRESPONDENCE**

In City Council August 17, 2017

Received 09/14/17

The undersigned (**Union Auto Towing, Inc., 1466 Pleasant Street**) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Sales & Minor Repairs**.

IN CITY COUNCIL, August 17, 2017

Special Permit Granted

Dennis W. Farias, City Clerk

Presented to the Mayor for approval August 21, 2017

Dennis W. Farias, City Clerk

Approved September 13, 2017

Jonathan F. Mitchell, Mayor

ACTION TAKEN: Received & Placed on File.

From: Ralph Sacramone, Executive Director

Dated – 06/28/17 Received –06/28/17

Re: Cork County, Inc. d/b/a Slainte Irish Pub

34 Union Street

Notice of Hearing Date: Tuesday, September 5, 2017 @ 11:00 a.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.**

Date of Alleged Offense: Thursday, April 27, 2017 at approximately 11:55 p.m. **“3 Counts”**

DECISION: Based on the evidence the Commission finds the Licensee violated 204 CMR 2.05 (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 eleven (11) days of which two (2) days (10/25/17 & 10/26/17) will be served and nine (9) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

Received on 09/14/17

ACTION TAKEN: Received & Placed on File.

From: Ralph Sacramone, Executive Director

Dated – 06/28/17 Received –06/28/17

Re: Quick Stop Convenience, Inc.

2344 Acushnet Avenue

Notice of Hearing Date: Thursday, October 12, 2017 @ 10:00 a.m. An appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 2344 Acushnet Avenue.

“NEW DATE-- REMINDER”

ACTION TAKEN: All Board Members confirm that they will appear at the appeal hearing as requested.

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Red J's Lounge	#17-11141-OF	09/05/17	Patron With Firearm/ Discharged Firearm On The Premises (Approximate Time of Violation 6:06 p.m.)

Decision: Receive & Place on File.

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

- 11th Annual "Oktoberfest" – October 14th - "Licenses Applied For – No Changes"

- **NEXT TWO MEETING DATES:** October 23rd & November 20th both on Mondays, in Room 314 - **Confirmed**

- **MEETING ADJOURNED:** 7:22 p.m.

Attest:



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