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

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:

Change of Beneficial Interest from an Individual to a Corporation - Trans. # 02680-GP-0778- Plot # 119--13

Jere A. Espejo d/b/a Shooters Pub, Jere A. Espejo, Sole Owner (Individual), who is requesting a Change of the Legal Structure of the General on Premise Wine & Malt Only Beverages license to Shooter's Pub, Inc.(Corporation); and a Change of Beneficial Interest from an Individual to a Corporation. Upon approval, Jere A. Espejo will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100 %); and Jere A. Espejo will remain as the Manager. Premise will remain the same at 2112 Acushnet Avenue.

Approved By ABCC – 07/05/17

Change of Officer, Director, Stockholder, & Transfer of Stock - Trans. # 00043-RS-0778- Plot # 112—142

A & E Jacinto, Inc. d/b/a Bom Apetite, Antonio Jacinto, President, who is requesting a Change of Officer, Director, Stockholder, and a Transfer of Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License. Antonio Ferreira is petitioning to allow the transfer of all his corporate shares (100 Shares); and to accept his resignation as Treasurer, Co-Director, and Co-Stockholder in the corporation. Upon approval, Antonio Jacinto will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%). Antonio Jacinto will also remain as the Manager. Premises will remain the same at 703 Belleville Avenue.

Approved By ABCC – 07/21/17

<u>VOTED:</u> Commissioner Almeida made a motion to accept the approvals from the ABCC and place them on file. – **Unanimous**

1. PETITION - Trans. #00174-PK-0778- Plot # 18--107

People's Super Liquor Stores, Inc. d/b/a Douglas Wine & Spirits, 446 Dartmouth Street, is requesting the approval of Michael J. Duclos, who resides at 94Wampanoag Trail, Riverside R.I., as their new manager.

Present: Michael J. Duclos, Proposed New Manager

Responding to questions from Chairman Beauregard, Mr. Duclos stated, I've been a store manager for close to four years ... I've been in about close 8 to 10 stores throughout Rhode Island and Massachusetts ... I've served as an assistant manager throughout my career ... and now I'm working in the New Bedford store.

When asked by Chairman Beauregard if he was T.I.P.S. Certified, Mr. Duclos stated that he was and that it was store policy that all employees be certified as well.

<u>Voted:</u> On a motion by Commissioner Almeida, the Board **voted unanimously to approve the petition as presented**, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. Duclos submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all his employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

2. PETITION - Trans. # 00230-CL-0778- Plot # 119--7(No Representation Required)

Irmandade do Divino Espirito Santo Do Pico, Inc., Fernando Lima, (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, Fernando Lima will be the President and a Co-Director, Jose M. Lima will be the Vice-President and a Co-Director, Maria L. Lemos will be the Treasurer and a Co-Director, and Fatima DaFonte will be the Secretary and a Co-Director; and Almerinda Costa, Maria C. Medeiros, Maria Neves, and Jose Xavier will all be Co-Directors, as well. Premises will remain the same at 2056 Acushnet Avenue.

(No Advertisement nor Abutters Notification Required)

3. PETITION - Trans. # 00056-CL-0778- Plot # 46—6 (No Representation Required)

Wamsutta Club, Inc. Robert G. Morris, (New) President who is petitioning for a Change of Officers and Directors on 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, Robert G. Morris will be the President, Charles Demailey Jr. will be the Vice-President, John Fernandes will be the Treasurer, and Anne Eades will be the Secretary; and Dr. J. Greer McBratney, Nancy Crosby, Jules Ryckebusch, Richard Dow, and Peter S. Barney (Immediate Past President) will all be Co-Directors. Premises will remain the same at **427 County Street.**

(No Advertisement nor Abutters Notification Required)

<u>4. PETITION - Trans. # 00085-CL-0778- Plot # 93--210—6</u> (No Representation Required)

Portuguese American Athletic Club of Greater New Bedford, Inc., Arlindo Moura, 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, Arlindo Moura will be the President, Manuel dos Santos will be the Vice-President, Jose Ribeiro will be the Treasurer, and Rosangela Ribeiro will be the Secretary; and Joao Marcal, Jose Ferreira, Marcel Vieira, and Domingos Adao will all be Co-Directors. Premises will remain the same at **56 Holly Street**.

(No Advertisement nor Abutters Notification Required)

5. PETITION - Trans. # 00072-CL-0778- Plot # 14—198 (No Representation Required)

Washington Social & Musical Club, Inc., Kenneth Kendall (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, Kenneth Kendall will be the President, Stephanie McKnight will be the Vice-President, Stephanie Mitchell will be the Treasurer, and Joyce Abbott will be the Secretary; and Mark Blanchard, Kevin Blanchard, Blaine Hopwood, William O'Brien, Jr., Brian Lowe, Scott R. Boutin, Mel Chase, Fred Caton, and Jon Marinelli will all be Co-Directors. Premises will remain the same at **90 David Street.**

(No Advertisement nor Abutters Notification Required)

6. PETITION - Trans. #00141-CL-0778- Plot # 25-A-25 (No Representation Required)

Young Cape Verdean Athletic Association, Inc. Donald Soares, President, who is petitioning for a **Change of Officer & 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, Donald Soares will be the President, Blaine Ferguson will be the Vice President, Mary Barrett-Maciel will be the Treasurer, and John L. Maciel will be the Secretary; and Bonaventura J. Barboza, III, Paul Massey, Jose Jorge, and Maria Wanyoike will all be Co-Directors. Premises will remain the same at **418 South Front Street.**

(No Advertisement nor Abutters Notification Required)

Mr. Nanopoulos informed the Board that these transactions (Item #'s 5-6), were simply yearly changes of officers and directors, on not for profit clubs.

<u>Voted:</u> On a motion by Commissioner Almeida, the Board **voted unanimously to approve all the petitions as presented** (Item #'s 5-6), and to forward all the applications to the Alcoholic Beverages Control Commission for their approval.

<u>VOTED:</u> Commissioner Almeida made a motion to take up **Item #'s 7-18** at one time; waive reading; and approve the applications as presented – <u>Unanimous</u>

7. APPLICATION, (No Representation Required)

New Bedford Festival Theatre, Inc., Armand R. Marchand, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for an 'After Show Opening Night Reception' to be held at the UMD Star Store Gallery, located at 800 Purchase Street; and to be held on Friday, July 21, 2017 from 10:00 p.m. until 11:45 p.m.

8. APPLICATION, (No Representation Required)

Immigrants' Assistance Center, Inc., Helena S. Martins, Executive Director, who is requesting approval of an application for a Special One Day Wine & Malt Only Alcoholic Beverages License for a 'Fundraiser' to be held at the Museum of Madeira Heritage, located at 1 Funchal Place; and to be held on Thursday Aug. 10, 2017, from 7:00 p.m. until 10:00 p.m. **NO CHANGES, AS PREVIOUSLY APPROVED**

9. 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 Beverage License for a 'Feast in the Wild Food Tasting Fundraiser', to be held within the Buttonwood Park Zoo; and to be held on Thursday, August 10, 2017, from 6:00 p.m. until 10:00 p.m. (Liquor Liability with the City named as additionally insured on certificate is required/along w/Copy of the Police Detail Contract) **NO CHANGES, AS PREVIOUSLY APPROVED**

10. APPLICATION, (No Representation Required)

W.H.AL.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for an "Urban Soiree Fundraiser", to be held at the Mariner's Home, located at 15 Johnny Cake Hill; and to be held on Thursday, August 17, 2017, from 5:30 p.m. until 7:30 p.m.

11. APPLICATION, (No Representation Required)

N. B. Women's Center, Inc., Pamela Macleod-Lima, Applicant, who is requesting approval of an application for a Special One Day Wine & Malt Beverages License for a "Music on the Veranda Fundraiser", to be held at the N.B. Women's Center located at 405 County St.; and to be held on Friday, August 18, 2017, from 6:00 p.m. until 8:00 p.m.

12. APPLICATION, (No Representation Required)

Cynthia Medeiros, Applicant, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a "Retirement Party", to be held at Ft. Taber Community Center; and to be held on Saturday, August 19, 2017, from 5:00 p.m. until 10:00 p.m.

13. APPLICATION, (No Representation Required)

Society of Senhor Da Pedra, Megan DaRosa, Feast President who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a 'Fundraiser/ A Feast of Senhor Da Pedra' to be held on the Madeira Field – Stands 1 & 2, located on Madeira Avenue; and to be held on Friday, August 18, 2017 from 6:00 p.m. until 11:45 p.m., Saturday, August 19, 2017 from 6:00 p.m. until 11:45 p.m., and Sunday, August 20, 2017 from 2:00 p.m. until 11:00 p.m. (Final approval will require Liquor Liability and a copy of the Police Detail Contract) **NO CHANGES, AS PREVIOUSLY APPROVED**

14. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for their '8th Annual Summerfest Benefit' to be held within the Madeira Field Pavilion Area, located at 50 Madeira Avenue; and to be held on Saturday, August 26, 2017, from 6:00 p.m. until 11:00 p.m.

15. APPLICATION, (No Representation Required) – "LATE FILE"

Melissa Rodrigues & Zerisenai Sahle, Applicants, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a "Wedding Reception", to be held at Ft. Taber Community Center; and to be held on Sunday, August 27, 2017, from 6:00 p.m. until 10:00 p.m.

16. APPLICATION, (No Representation Required)

Cheryl Jacobs, Applicant, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a "Wedding Reception", to be held at Ft. Taber Community Center; and to be held on Saturday, September 9, 2017, from 3:00 p.m. until 8:00 p.m.

17. APPLICATION, (No Representation Required)

Bernadette Furtado, Applicant, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for a "50th Birthday Party", to be held at Ft. Taber Community Center; and to be held on Saturday, September 23, 2017, from 12:00 p.m. until 10:00 p.m.

18. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Devin Tillman, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '12th Annual New Bedford Seaport Chowder Festival', to be held on **Pier 3**; and to be held on **Sunday, October 8, 2017 from 12:00 p.m. until 5:00 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**

<u>Voted:</u> On a motion by Commissioner Almeida, the Board voted unanimously to remove item #19 from the table; and to take up the matter at this time.

Tabled At 06/26/17 Meeting

19. APPLICATION (Special Permit Has Been Approved/"NEW LOCATION")

Maximiliano M. Galvan, who resides at 240 State Street, N.B. MA., is requesting approval of an application for a Motor Vehicle Class II (Used Car Dealer) License for Union Auto Towing, Inc. d/b/a Union Auto Towing #3, with premises situated at 649 Mt. Pleasant Street. Upon completion of renovations, plans indicated site will be used for car sales and repairs; Total amount of cars for display will be determined by Inspectional Services.

Final approval of the Motor Vehicle Class II License will require a '<u>Certificate of Inspection</u> from the **Office of Inspectional Services**, a <u>\$25,000.00 Bond</u>, and a <u>Notarized Letter</u> stating where the repairs will be done.

Present: Atty. Richard Manning, who was present representing Mr. Galvan.

Responding to questions from Chairman Beauregard, Atty. Manning informed the Board that this location would be the 3rd location owned by Mr. Galvan, if it were to be approved; adding that this location would used strictly as a place for auto sales with no repairs to done on the location.

Responding to further questioning, Atty. Manning stated that the repairs would be done at yet another new location that Mr. Galvan is in the process of purchasing on Mt. Pleasant Street, which he's currently going through the permitting process with the Office of Inspectional Services and the City Council.

Atty. Manning also reviewed the plans with the Board which showed the layout of the proposed building that was planned for this location and stated that the license would be picked up sometime in the spring of 2018, once the building is ready to go.

Atty. Manning also stated that their plan eventually was to turn his current Mt. Pleasant used car dealer center into a car rental business but he would use his current Class II license assigned to that location to buy new rental cars and sell off old rental cars.

<u>VOTED:</u> 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 the amount of cars, as approved by Inspectional Services – **Unanimous**

20. 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.

<u>Note:</u> Site was previously licensed to Universal Used Autos & Repairs, 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 '<u>Certificate of Inspection</u> from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

Present: No One Was Requested To Appear

Mr. Nanopoulos informed the Board that the applicant failed to submit some additional documents that were required to complete the application, therefore the matter should be tabled to the August meeting.

<u>VOTED:</u> On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 22; until the Board's August 28th meeting. – <u>**Unanimous**</u>

21. Hearing: Our Lady Of Angels Band, Inc.

Mario J. Duarte, Manager 1446-1452 Acushnet Avenue

Your presence is requested at a hearing to be held to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1st deadline to submit a completed application updating your officers and directors as required by

the Alcoholic Beverages Control Commission.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2017 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Please contact this office immediately upon receipt of this notice for assistance with this matter.

Present: No one appeared as requested.

<u>VOTED:</u> On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 21; until the Board's August 28th meeting. – **Unanimous**

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

Mr. Barry Flynn, Manager/Owner

109 William Street

Re: Closed 05/17/17

Prior Renewal Hearings: (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 <u>must submit</u> 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 General on Premise All Alcoholic Beverages License.

Present: Barry Flynn, Manager/Owner

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

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

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

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has <u>until January 1, 2018 to</u> <u>initiate one (1) of the following three (3) options prior to this date:</u>

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

23. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub

Mr. Philip C. Beard, Manager 672 - 674 Pleasant Street

Re: Closed 06/30/17

Prior Renewal Hearings: (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 <u>must submit</u> 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 General on Premise All Alcoholic Beverages License.

Present: Philip C. Beard, Manager/Owner

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

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

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

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has <u>until January 1, 2018 to</u> <u>initiate one (1) of the following three (3) options prior to this date:</u>

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

24. Hearing: Madeira Cafe, Inc. d/b/a Madeira Cafe Ms. Caroline DaCosta, Manager/Co-Owner

70-76 Church Street

Re: Closed 06/30/17

Prior Renewal Hearings: (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 <u>must submit</u> 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.

You are also required to bring in all your licenses issued by this office to this meeting if you have not already done so, which should include the following: your Liquor License, Common Victualler Restaurant License, Music License, Entertainment License, and your Automatic Amusement Device License.

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

Present: Caroline DaCosta, Manager/Owner

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

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

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

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has <u>until January 1, 2018 to</u> initiate one (1) of the following three (3) options prior to this date:

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

25. Hearing: Portugal Verde Soccer Academy, Inc.

Mr. Isaias M. Furtado, Manager 424 Nash Road

Approved on 12/09/15 - Never Opened

Prior Renewal Hearings: (5)

Your presence is respectfully requested at a hearing at the request of the members of this Board to determine if you are in full compliance to be issued your liquor license for 2017; failure to be in <u>full compliance</u> may require the Board to initiate its decision of 01/23/17, as stated below.

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 <u>must submit</u> 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 General on Premise Wine & Malt Only Beverages License.

01/23/17 Written Decision:

Per your recent hearing to determine the status of your annual liquor license, this Board voted unanimously to revoke your General on Premise Wine and Malt Only Beverages License, however, the revocation has been set aside until the Board's July 24, 2017 meeting.

The Board's decision was based on your failure to meet requirements as set forth by the Office of Inspectional Services and the Fire Department (M.G.L. Ch. 138, sec. 64-failure to comply with the Laws of the Commonwealth, To Wit: M.G. L. Chapter 138, section 77, Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, and local Building Code Regulations) in order for you to be issued your Occupancy Permit and 304 Fire Certificate. Both of these forms are required for you to receive your liquor license.

As you are aware, your license has been inactive since December 9, 2015. We understand your issues with Inspectional Services but unfortunately they are issues that are out of our control. That said, it is our responsibility to ensure that your license gets activated and it is for this reason that the Board set-aside the revocation for six months with the hope that you can resolve your building issues or to give you adequate time to sell the license.

You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. within five (5) days of receipt of this notice with a copy submitted to this office.

Present: Mr. Furtado was excused from attending

Mr. Nanopoulos informed the Board that Mr. Furtado called him early in the day and informed him that he would not be able to attend tonight's meeting due to the fact that he was in the hospital.

<u>VOTED:</u> On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 25; until the Board's August 28th meeting. – <u>**Unanimous**</u>

26. 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 be held in this office, **City Hall, Room 120, on Monday evening, July 24, 2017 at 7:00 p.m.,** 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 <u>must submit</u> 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.

03/06/17 Written Decision:

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, during which the Board considered your request for a 6 month extension to complete the ongoing renovations; **the Board voted unanimously to approve your request and to table the matter until this Board's July 24, 2017 meeting.**

The Board's decision was based on the written request submitted by Atty. (Chris) Markey on your behalf, in which he stated that due to some financial issues that arose because of some extra work that needed to be done, that some additional time would be needed to complete the renovations; adding that he believes that everything should be resolved within the next 6 months. If you are operational by July 24, 2017, you will not be required to appear as notified.

Present: No one appeared as requested.

<u>VOTED:</u> On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 26; until the Board's August 28th meeting. – <u>**Unanimous**</u>

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

Mr. Ramon D. Silva, Owner 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.

You <u>must submit</u> 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.

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.

04/25/17 Written Decision:

As a result of the open hearing held on April 24, 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 June 26, 2017 meeting.

The Board's decision was based on the information that you provided to the Board in which you stated that you were finalizing a lease to move your license to a new location; and that you planned to keep your license and operate the premises yourself. 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 June Agenda for consideration by the Board for approval.

Please be advised that a completed application must be submitted by June 9, 2017 in order for it to be properly advertised. Should you need assistance in filing your application for a transfer of license, please contact this office at your earliest convenience.

Present: No one appeared as requested.

<u>VOTED:</u> On a motion by Commissioner Almeida, the Board unanimously voted to table Item # 26; until the Board's August 28th meeting. – <u>**Unanimous**</u>

28. Hearing: Albert J. Santos d/b/a Royal II

Mr. Albert J. Santos, Owner

123 MacArthur Drive

Transfer Approved On 08/30/16 Prior Renewal Hearings: (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 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 <u>must submit</u> 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 General on Premise All Alcoholic Beverages License.

11/21/16 Written Decision:

Present: Luis DaSilva, Representing Albert J. Santos, Proposed Buyer

As a result of the open hearing held on November 21, 2016 to determine the status of your annual liquor license for the year 2016, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2017 renewal application; the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board's June 26, 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 <u>until June 1, 2016 to</u> initiate one (1) of the following three (3) options prior to this date:

- 4.) To be open and operating at the current location;
- 5.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 6.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

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

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

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

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

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

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has <u>until January 1, 2018 to</u> initiate one (1) of the following three (3) options prior to this date:

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

29. Hearing: 161 Highland Avenue, Inc. d/b/a Trio Restaurant

Ms. Sandra Rodrigues, Owner 418-420 Rivet Street

Closed – 11/13/16 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.

You <u>must submit</u> 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.

01/23/17 Minutes:

Present: Licensee was excused from appearing.

Mr. Nanopoulos informed the Board that he had spoken to Atty. Kehoe's paralegal who stated that she was working on a transfer of license back to the owner of the building, and that it was their intention to hopefully have the application submitted in time for the February meeting but no later than for the March meeting.

Present: No one was required to appear.

Mr. Nanopoulos informed the Board that he's working with Katherine Gaudreau who's with Atty, Kehoe's office and that he has the application already and he just has to review it; and that it will on next month's agenda for consideration.

Mr. Nanopoulos inform the Board that no further action is required at this time.

<u>VOTED:</u> On a motion by Commissioner Almeida, the Board unanimously voted that no further action be taken regarding this matter. – **Unanimous**

30a. From: Bristol County Deputy Sheriff

Dated – 07/13/17 **Received** – 07/20/17

Re: Dublin's Sports Bar N Grille, LLC d/b/a Dublin's Sports Bar N Grille

1686 Acushnet Avenue

Notice of Writ of Attachment – On behalf of Acushnet Avenue 1680-1690 Realty Trust, in the amount of \$18,000.00

<u>VOTED:</u> On a motion Commissioner Almeida, the Board voted unanimously to receive the notice and to place it on file. – <u>Unanimous</u>

30b. Hearing: Dublin's Sports Bar N Grille, LLC d/b/a Dublin's Sports Bar N Grille

Mr. Mario Gomes, Owner/Manager

1686 Acushnet Avenue

Re: Closed 11/21/16 Licensee Decision

Prior Renewal Hearings: (2)

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.

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 <u>must submit</u> 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 General on Premise All Alcoholic Beverages License.

02/26/17 Written Decision

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, this Board, based on the information you provided in which you stated that you're still interested in selling your license and that there was one potential buyer currently negotiating a lease with the owner of the building and that the license would remain at the same location, voted unanimously to table the matter until this Board's July 24, 2017 meeting.

An application for Transfer of License must be submitted as soon as possible but no later than Friday, July 7, 2017. As discussed, your failure to comply will result in the Board having to revoke your license for non-use as allowed under Ch. 138, sec. 77. (The licensing authorities may, after hearing or reasonable opportunity there-fore, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)

Your license has been inactive since November 21, 2016 and you have been afforded ample opportunity to take action. We strongly advise that you ensure that there are no outstanding issues with the DOR and DUA, so that the transfer application is not held up once it's submitted.

If an application for transfer is submitted by July 7, 2017, you will not be required to appear as notified.

Present: Mario Gomes, Owner/Manager

When asked by Chairman Beauregard as to what prompted the issuance of a Writ of Attachment on the license, Mr. Gomes stated that there was an issue with the eviction as a result of missing two month's rent, which was addressed in court; but I was unaware of the writ because they never served me.

Chairman Beauregard informed Mr. Duarte that he should have been served by the Sheriff's Office not by the Licensing Board Office, and that he would have to check with them; adding, since the license has an attachment, he would have to address that before he could sell that license.

Mr. Duarte responded by stating, I went to court for that this past Thursday ... it didn't get waived ... but it did get continued for three months.

Mr. Duarte stated that Atty. Joseph Michaud was working with the landlord to resolve some lease issues, in order for the license to be sold and have it remain at that location.

When asked by Chairman Beauregard if he's retained Atty. Michaud to represent him in this matter, Mr. Gomes responded, he's been the mediator he's the landlord's attorney ... we had one buyer but they couldn't agree on a lease ... so it fell through ... since last month ...he's been trying to push the landlord to just buy the license back ... I've been trying to work with them but it hasn't worked out ... although I have someone else interested in buying the license ... but I do have a counter suit against them ... so the judge gave us three months to work it out.

Mr. Duarte disputed that he owed them \$18,000.00 because there's a security deposit being held in the amount of \$6,200.00; adding that he only owes two month's rent.

Chairman Beauregard suggested that the matter be tabled for 3 months in order to give Mr. Duarte one last opportunity to move the license, to which Mr. Duarte requested a little more time to resolve this issue because if he did find a buyer, it would take some time to get an application processed.

Chairman Beauregard responded, I would suggest that if you got the process going ... and you come back in October ... you tell us that you got the process going ... we'll take that under advisement ... you don't need to have it sold by then ... but you'd better have a solid deal in place to sell the license.

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

As a result of the open hearing held on July 24, 2017 to determine the status of your annual liquor license for the year 2017, this Board, based on the information you provided in which you stated that you're still interested in selling your license and that there was one potential buyer currently negotiating a lease with the owner of the building and that the license would remain at the same location, voted unanimously to table the matter until this Board's October 23, 2017 meeting.

An application for Transfer of License must be submitted as soon as possible but no later than Friday, October 6, 2017.

As discussed, your failure to comply will result in the Board having to revoke your license for non-use as allowed under Ch. 138, sec. 77. (The licensing authorities may, after hearing or reasonable opportunity there-fore, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)

Your license has been inactive since November 21, 2016 and at our July meeting, I (Chairman Beauregard) indicated that you have been afforded ample opportunity to sell the license and strongly advised you to move this license accordingly to avoid this Board from having to take an adverse action.

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

Ms. Kristina Morrow, Manager/Co-Owner 1669 Acushnet Avenue

Your presence and that of **Kevin Sbardella, Bouncer**, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They 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. 11, 12-

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.

Summary of Incident Reports

Police Department Incident Report states that Officers were dispatched to 1653 Acushnet Avenue as a result of a neighbor's complaint of possibly hearing gun shots (5) being fired emanating from this area; the shots were also recorded by Shotspotter. Upon arrival the Officers observed a large crowd of approximately 15 to 20 people outside of the Whiskey Lounge on the Tinkham Street side of the building. Upon seeing the Officers, the crowd immediately began to disperse with some going back into the bar, and others taking off on foot or in vehicles.

Upon entering the premises from the side door, the Officers observed 25-35 people inside and approximately 5 more people standing at the front door. The Officers talked to several people who kept stating that there was a fight between two females outside. The Officers also stated that the crowd was extremely uncooperative. Officers then located two witnesses who stated that an incident occurred inside the premises, and at some point a male exited the bar brandishing a firearm and fired 3 to 4 shots in the air.

Another female witness stated that she was inside the bar when another female approached her and they began to argue inside the establishment. The witness stated that she left and went outside at which point the other female followed her outside and they began to physically fight.

She also stated that someone from the bar took her identification and phone.

When asked by the Officers what had transpired prior to their arrival, the bouncer (Kevin Sbardella) stated that nothing had happened that he was aware of.

When asked if he had any knowledge of the fight that occurred outside or of the male that had left the Whiskey Lounge with a firearm, and firing it in the street, the bouncer insisted he had no knowledge of any incident that had occurred outside, and that he was standing at the front door for the last 15 to 25 minutes.

<u>Date and time of alleged violations: Friday, May 26, 2017 @ approximately 12:25 a.m. - Police Report # 17-6208-OF</u>
Please be advised, failure to appear at this meeting will result in <u>immediate suspension</u> of your liquor license until this matter is resolved.

$\underline{Rec'd\ 07/12/17}$ – A written request by Atty. Gregory Longo to table the matter until the Board's August 28th Meeting, due to a scheduling conflict on this date.

<u>VOTED:</u> Commissioner Almeida made a motion to receive the request and place it on file, and approve the request; and to table the matter to the Board's August meeting. - **<u>Unanimous</u>**

Present: No one was required to appear.

Mr. Nanopoulos formally informed the Board that Atty. Longo, who is the legal counsel for the Whiskey Lounge, had called him earlier in the day, and also sent a follow-up e-mail requesting that the matter be tabled to the next meeting, due to the fact he would be unavailable this evening due to a prior commitment.

VOTED: On a motion by Commissioner Almeida, the Board unanimously voted to table Item #31; until the Board's August 28th meeting. – **Unanimous**

CORRESPONDENCE

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 "NEW DATE" Avenue.

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.

In City Council June 22, 2017

Received 07/07/17

The undersigned Maria Perez d/b/a Ebenezer Used Tires, Mechanical Works, and Used Car Sales, 1519 Purchase Street petitions the City Council to grant a SPECIAL PERMIT to allow Auto Sales & Repairs.

IN CITY COUNCIL, July 21, 2016

Special Permit Granted

Dennis W. Farias, City Clerk

Presented to the Mayor for approval June 26, 2017

Dennis W. Farias, City Clerk

Approved June 30, 2017 Jonathan F. Mitchell, Mayor

COMPLAINTS RECEIVED:

---NONE--

REVIEW POLICE DEPARTMENT INCIDENT REPORTS/ COMPLAINTS

ACTION TAKEN: Voted Unanimously To Receive & Place All the Correspondence on File.

<u>NAME</u>	POLICE REPORT#	DATE	<u>VIOLATION</u>	
1. County Street Liquors	#17-8252-OF	07/07/17 Selling Alcohol Prior To Allowed Starting Time (Approximate Time of Violation 7:00 a.m.)		
"LATE FILE"	#17-89282-OF	07/21/17 (Approxin	Selling Alcohol Prior To Allowed Starting Time nate Time of Violation 7:22 a.m.)	

Decision: Bring In For a Hearing - 08/28/17

- <u>Upcoming Summer Events & Festivals</u> (For Review Only)
 - o Summer Concert Series July thru Sept. "Licenses Applied For No Changes"
 - Feast of the Blessed Sacrament (Madeira Feast) Aug. 3rd , 4th , 5th , &6th Approved On 06/26/17
 12th Annual N. B. Seaport Chowder Festival Sept. 24th "Licenses Applied For No Changes"
- NEXT TWO MEETING DATES: August 28th & September 25th both on Mondays, in Ashlev Room (120) -Confirmed
- MEETING ADJOURNED: 7:35 p.m.