

**LICENSING BOARD MEETING****-AGENDA- -****Monday, September 25, 2017****Ashley Room 120 – 7:00 p.m.**

**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

A/O 09/21/17

**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****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

CITY CLERKS OFFICE  
 NEW BEDFORD, MA  
 2017 SEP 21 A 9:49  
 CITY CLERK

**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****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****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".***

**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. Mallows 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".*

**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)*

**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)*

**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".*

**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 '150<sup>th</sup> 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, on 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 - )

- **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****Presented to the Mayor for approval August 21, 2017****Approved September 13, 2017**

Dennis W. Farias, City Clerk

Dennis W. Farias, City Clerk

Jonathan F. Mitchell, Mayor

**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****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”**

- **COMPLAINTS RECEIVED:**

---NONE--

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

<b><u>NAME</u></b>	<b><u>POLICE REPORT#</u></b>	<b><u>DATE</u></b>	<b><u>VIOLATION</u></b>
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.)

- **Upcoming Summer Events & Festivals (*For Review Only*)**
  - 11<sup>th</sup> Annual “Oktoberfest” – October 14<sup>th</sup> - “Licenses Applied For – No Changes”
- **NEXT TWO MEETING DATES:** October 23<sup>rd</sup> & November 20<sup>th</sup> both on Mondays, in Room 314
- **MEETING ADJOURNED:**