



# Licensing Board

March 27, 2017 – 7:00 PM – **Minutes**  
City Hall, 133 William Street, Room 314

**PRESENT:** Steven A. Beaugard, Chairman  
Marcelino “Sonny” G. Almeida, Commissioner  
Edmund F. Craig, Jr., Commissioner  
Atty. Kreg Espinola, Asst. City Solicitor  
Lt. Joao Chaves, Police Department Liaison to the Lic. Bd.  
Nick Nanopoulos, Director

**MOTION TO ACCEPT THE MEETING MINUTES OF – February 27, 2017 - Unanimous**

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

**Altering of Premises (Addition of Sidewalk Seating & Change of Manager - Trans. # 02733-RS-0778 – Plot # 47--37 Moby Dick Brewing Company, Inc., David Slutz, President, who is petitioning to Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages license to include an outdoor patio area approximately 370 sq. ft. (37' X 10') to be used as a 'Sidewalk Café', which will be enclosed with 21" high planters that will be used to rope off the described area, and will be used for seated dining purposes only.**

The enclosed area, which will include three (3) tables with seating for Eighteen (18) patrons, will be located on the north side of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit through the restaurant located in the front of the building, and will be accessible by ‘Hostess Seating’ only; the area will also be monitored by the hostess and waitstaff at all times. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensed premises will remain numbered **52 Union Street**. The applicant is also requesting the approval of **Timothy G. Cleland**, who resides at **8 Atlantic Street, Plymouth, MA. as their new manager.**

*Application has been advertised; Abutters have been notified.*

**Approved By ABCC – 03/27/17**

**VOTED:** To accept the approval from the ABCC and place it on file. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to take up item #'s 1-3 at one time - **Unanimous**

### **1. APPLICATION, Representation Required**

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Viva Portugal Fundraiser”; to be held **in the street under a tent**, located at **684-686 Purchase Street**; and to be held on **Friday, May 5, 2017, from 5:00 p.m. until 11:00 p.m. (Last Call 10:30 p.m.)** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*) **\*\*NEW SET-UP\*\***

### **2. APPLICATION, Representation Required**

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Viva Portugal Fundraiser”; to be held **in the street under a tent**, located at **684-686 Purchase Street**; and to be held on **Saturday, May 6, 2017, from 11:00 a.m. until 7:00 p.m. (Last Call 6:30 p.m.)** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*) **\*\*NEW SET-UP\*\***

### **3. APPLICATION, Representation Required**

**New Bedford Folk Festival, Inc. Justin LaCroix, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘New Bedford Folk Festival’, to be held in an enclosed area in the street, located at **684-686 Purchase Street**; and to be held on **Saturday, July 8, 2017 and Sunday, July 9, 2017,**

**from 11:00 a.m. until 10 p.m. (Last Call @ 9:30 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract) **\*\*NEW SET-UP\*\*****

***Present: Justin LaCroix, Manager***

Responding to questions from Chairman Beauregard, Mr. LaCroix stated, with regard to the fundraiser event on Friday night, it will be held inside the tents only as it has in the past, so, nothing is going to change with regard to that event.

Mr. LaCroix continued his remarks by stating that the Saturday event is the actual festival, so what we're looking to do with this event is to expand the enclosed area in front of the theatre so that liquor can be sold and consumed in the entire area; there will be security personnel at all entrances/exits to ensure that no one is leaving the area with alcohol, and we will also be issuing wristbands at the four entrance points from the street; and will be serving from the inside bar for this one; and the area will be enclosed with the metal bike rack type barriers from the city.

Mr. LaCroix then addressed the final event by stating, the Folk Festival is the exact same plan with one exception, the bar may be in the tent, if not we'll use the 'Z', which hasn't been determined as of yet but it all be in the enclosed area with same security measures as the Viva Portugal event.

When asked by Chairman Beauregard if there would be Police Details, Mr. LaCroix stated, for the Viva Portugal event there were three police officers in that foot print last year, I'm assuming it will probably be the same; for the Folk Festival, I believe we had five for the event but only one or two in this area only, so that it would be covered at all times.

When asked by Chairman Beauregard as to the amount of attendees they anticipated for each event, Mr. LaCroix responded, the fundraiser on Friday, were capping that it at no higher than 200 inside the tent; the Viva Portugal is a free event so it's hard to say how many but it will be a number that will be influx all day but we did have a few hundred last year; and the Folk festival, we're looking to sell between 2,700 and 4,000 tickets but we haven't hit that yet; we will also be working with the downtown Captain to see what we need to set up as well.

**Voted: On a motion by Commissioner Almeida the Board **voted unanimously to accept the new set-up plans that were submitted; as well as the security plans for all three events.****

#### **4. PETITION - Trans. #00077-RS-0778 – Plot # 53--195**

**The Pequod, Inc. d/b/a Rose Alley Ale House, 94 Front Street, is requesting the approval of **Ryan K. Rapoza**, who resides at **153 Davis Road, Westport, MA. as their new manager.****

***Present: Ryan K. Rapoza, Proposed New Manager***

Responding to questions from Chairman Beauregard, Mr. Rapoza stated, I've been a bartender there for four years ... I have bartender training and I'm T.I.P.S. Certified ... and I'm also ServeSafe Certified for the kitchen end ... and all his servers are T.I.P.S. Certified ... and this is my full time position ... and there would not be any changes to the current operation.

When asked by Commissioner Almeida as to how many hours he'll be on the premises, Mr. Rapoza responded stated that he would be on the premises at least Forty (40) hours a week.

**Voted: 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. Rapoza 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 servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.**

#### **5. PETITION - Trans. #00082-HT-0778 – Plot # 94--2**

**Emerald Partnership, LTD d/b/a New Bedford Inn & Suites, 500 Hathaway Road, is requesting the approval of **James E. Hart III**, who resides at **35 Monica Street, North Attleboro, MA. as their new manager.****

***Present: James E. Hart, III, Proposed New Manager***

When asked by Chairman Beauregard to tell the Board as to what type of experience he has, Mr. Hart stated, I've been a ten year employee of the company of their residential properties in Cranston, R. I. and Massachusetts.

When asked by Chairman Beauregard as to what brought him to the N. B. Inn, Mr. Hart stated that the same owner I asked me to help out and take over the management of the inn due to problems they've had there the past couple of years, and try to clean it up.

Responding to Mr. Hart's comment that he was brought to try to clean it up, Chairman Beauregard informed Mr. Hart that the Board had received a Police Report regarding an incident that occurred over the weekend prior to this hearing and stated that the weekend didn't go quite well; to which Mr. Hart responded, no, it didn't ... there were a lot of problems ... but we co-operated as best we could with officers and detectives to get things done.

Prior to asking Mr. Hart further questions regarding the Police Reports that the Board had received regarding several disturbances at the motel, Chairman Beauregard stated that the Board was not going to take up the reports as violations at this hearing but they did want to ask Mr. Hart some questions with regard to the reports since he was mentioned in the

report; and that he was before the Board for requesting approval to named the new manager.

When asked by Chairman Beauregard if he was aware that event was going to be taking place on that Friday evening on March 24<sup>th</sup>, Mr. Hart stated that he was aware that the event was going to be taking place that evening.

When asked by Chairman Beauregard if thought that was something he didn't want to do, Mr. Hart responded, I didn't think an 18 year old event without alcohol would be an issue.

When asked by Chairman Beauregard, it probably didn't sit well with you, did it, Mr. Hart responded, "no".

When asked by Chairman Beauregard as to how the event co-coordinators billed the event, Mr. Hart responded, the promoter wanted to either promote a clothing line and he had music, and that was it; we gave it a shot, he was told, if there were no issues, maybe we would do it again, if there were issues, it wouldn't be allowed again.

When asked by Chairman Beauregard if he was familiar with the regulations regarding promoted events, Mr. Hart responded that he was not familiar with that regulation.

Chairman Beauregard stated that the city does not allow you to turn your place over to someone else to hold a promoted event.

When asked by Chairman Beauregard, so you currently have no alcohol in the facility right now, Mr. Hart responded, no, the bar has been closed for the past 3 or 4 years; adding, there's no alcohol on the premises.

When asked by Chairman Beauregard, so how do you provide alcohol for the banquet hall when you rent it out, Mr. Hart responded, we don't, they want us to supply the alcohol but we can't as of right now.

Chairman Beauregard responded, why not, you have a license?

Mr. Hart responded, but we don't provide it yet ... we're trying to get a bar manager ... I don't want to be responsible for the liquor ... I want someone else to be responsible for the liquor ... so I don't want to do that right now ... we want to hire somebody who is experienced ... I never worked with alcohol.

Chairman Beauregard responded, but that's why you're before us this evening, to which Mr. Hart responded, but I've never run a bar before, so we want to get a bar manager to run the bar ... we need to open the bar ... which we have not opened yet.

Chairman Beauregard informed Mr. Hart, you're before the Liquor Licensing Board here tonight, if we approve you, you're ultimately it.

Mr. Hart responded, I want to get approved but I want to get someone with experience to run the bar, so they can teach me so I can get certified, that's what we're trying to do.

Chairman Beauregard responded, you're here before us tonight for approval to be the manager of the liquor license ... are you anticipating that when you find that person ... they will become the manager ... you're not here tonight to be the manager of two hundred rooms ... you're here tonight to be the manager of the liquor license ... that's why you're here before us.

Mr. Hart responded, that's correct ... but I'm trying to get someone to help me out ... If I can't ... then they'll be the manager for the liquor.

Chairman Beauregard responded, but we're here tonight to approve you, to which Mr. Hart responded, right but I'm not certified yet ... I'm trying to get certified.

Chairman Beauregard responded, but that's easy enough to do ... but if you don't have the experience to run function halls ... then what would behoove us to approve you here tonight?

Chairman Beauregard continued remarks by stating, I know you may have the experience run to 200 rooms ... I get that ... but if you don't have the experience to run the bar and the functions halls ... but it would look pretty poorly on us to approve you as the manager ... if you do not have the experience to manage a facility of that size ... ultimately, you're the guy that is in charge of the liquor license ... if you don't have the experience ... then how can we approve you.

Mr. Hart responded, the only way I can rectify that is for them to get someone with experience to be the manager of the whole thing ... I do not have any experience to run a bar right now ... so I guess at this point I am not qualified to run the bar.

Commissioner Almeida stated that he agreed with Chairman Beauregard's position that Mr. Hart did not have the experience in the service of alcohol, therefore, he was not qualified to be the manager of the facility in regards to the service and sale of alcohol; and that Mr. Hart may certainly be the general manager of the facility just not the manager on the liquor license.

**Voted:** Commissioner Almeida stated that based on the Board's opinion that Mr. Hart was not currently qualified nor had the experience to be the manager of a facility that includes both a bar area and a function hall, *made a motion to deny the approval of the application as presented; which was voted upon unanimously.*

The Licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of M.G. L. Ch. 138 within five (5) days of receipt of this decision. A copy of said appeal must be submitted to this office as well.

After the vote, Mr. Nanopoulos raised his concern to the Board that Mr. Hart stated earlier in his testimony that they have not had alcohol on the premises for about 3 or 4 years, and that without an approved manager in place, it would be his recommendation to the Board that the liquor license be returned to the office, until such a time as a new manager is approved.

**ACTION TAKEN:** Chairman Beauregard agreed with Mr. Nanopoulos's assessment of the current status of the liquor license, and instructed Mr. Hart to bring in the liquor license, where it would be held until a new manager is approved by the Licensing Board and the Alcoholic Beverages Control Commission; and also reminded Mr. Hart, that while the liquor license is in our possession alcohol may not be stored, served, sold or consumed on the premises; **and at no time, is alcohol allowed to be brought onto the premises by your guests.**

#### **6. PETITION - Trans. #00149-RS-0778– Plot # 47--38 & 47--39**

**Cork County, Inc. d/b/a Slainte Irish Pub & Grille, Barry M. Flynn, Co-Director, located at 34 Union Street, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages licensed premises** to include an additional room with a service bar that is contiguous to the licensed premise. The additional room, which is approximately 1872 sq. ft., is located on the first floor of the adjacent three story building and is numbered 44 Union Street, will have a direct entrance/exit into 34 Union Street; and will be used as a function hall and for additional dining. The licensed premise shall now be numbered **34-44 Union Street.****

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

*Application has been advertised; Abutters have been notified.*

**Present: Barry M. Flynn, Owner**

Responding to questions from Chairman Beauregard, Mr. Flynn stated that he purchased the adjacent building, and that he was petitioning the Board to once again add the side room in that building, which is contiguous to the existing area at 34 Union Street; and added, that the area being requested was once on his license but then taken off when he was renting the space from the previous owner on that property numbered 44 Union Street. Mr. Flynn stated that there would not be any changes to the additional room as it was set up before, and that it would be used as a small function house.

When asked by Chairman Beauregard if the area was handicapped accessible, Mr. Flynn stated that he had an appeal pending before the ADA in Boston for relief regarding that issue.

**Voted:** 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 following stipulation:

That the requested area, an **additional room** which is approximately 1872 sq. ft., and is located on the first floor of the adjacent three story building and is numbered 44 Union Street, which will have a direct entrance/exit into 34 Union Street; and will be used as a function hall and for additional dining, ***will not be used until such a time that the ABCC approves the application and the Commissioner of Buildings issues a Certificate of Occupancy; as well as receiving a sign off from the Health Department.***

#### **7. PETITION - Trans. #00137-RS-0778 – Plot # 50--34**

**JAKIBRI, LLC d/b/a Kirby's Irish Pub, Jason Kirby, Co-Manager of LLC, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Ground Breakers, LLC d/b/a Doug's Sports Lounge.** Upon approval, Douglas Grace will be the Sole Member, Sole Manager, and Sole-Interest Holder (100 %) of the LLC; and **Douglas Grace** is also the **Proposed Manager of the Liquor License.** The premises consists of one (1) room on the first floor of a street level building, which includes a bar area , with a 5' X 12' stage area , two (2) restrooms ,and an office/storage room; all within an area approximately 1,409 sq. ft. There will also be an additional storage area in the basement. There is an entrance/exit in front of the building onto Kempton Street, along with an entrance/exit into the parking lot located at the rear of the building. The premise is situated on the south side of Kempton Street between Rockdale Avenue and Palmer Street, and will remain the same at **818 Kempton Street.****

Final approval will require a '**Change of Tenant**' from the Building Department, a new '**Food Permit**' from the Health Department, and a copy of '**Proof of Liquor Liability**'.

*Application has been advertised.*

**Present: Atty. Alvin Youman along with Douglas Grace, Proposed Owner and Manager; also present were Brian and Jason Kirby, Sellers**

Responding to questions from Chairman Beauregard, Atty. Youman stated that Mr. Grace did not plan any changes to the layout of the premises except for some cosmetic changes ... and that he has had some experience in running the real deal band ... he plans on having some entertainment on some nights ... he's currently not T.I.P.S. Certified but he has a class set up to be held at his house for himself and 5 other employees ... and he has 3 other people that already certified.

When asked by Chairman Beauregard as to what type of entertainment he was planning on having, Mr. Grace responded,

Karaoke and some small bands on the weekends ... maybe a DJ.

When asked by Chairman Beauregard if he had any experience in the service of alcohol, Mr. Grace responded, "me, no".

When asked by Commissioner Almeida as to what type of music (Hip Hop) he would be offering, Mr. Grace laughed, and stated

No, I'm old school, to which Commissioner Almeida responded, you have to be careful because you have neighbors there.

**Voted:** 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. Grace 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 servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

**8. PETITION - Trans. # 00209-CL-0778– Plot # 93--181**

**Centro Luso Americano Club, Inc., Adriano Carvalho, Jr., President**, who is petitioning for a **Change of Officers, Directors, and Manager 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, Adriano Carvalho, Jr. will remain as the President, Dean Pires will remain as the Vice-President, Joe Silva will remain as the Treasurer, and Horace Carvalho will be the 'new' Secretary; and John Gomes, Jim Neville, Edward Roy, and Lucy Carvalho will remain as Co-Directors. The 'Club' is also requesting the approval of **Jose D. Salgado**, who resides at **1167 Tacoma Street, N.B., MA. as their New Manager**. Premises will remain the same at **34 Beetle Street**.

*(No Advertisement nor Abutters Notification Required)*

**Present:** *Applicant was excused from appearing.*

Mr. Nanopoulos informed the Board that he had received a call late in the day from Mr. Salgado who had a family emergency and that he would not be able to attend tonight's meeting, and that he requested that the matter be tabled to the next meeting.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter to the Board's April 24<sup>th</sup> Meeting**.

**9. PETITION - Trans. # 00095-CL-0778– Plot # 106--137**

**Clube Ponta Delgada, Inc., Eric Stephens, President**, who is petitioning for a **Change of Officers, Directors, and Manager 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, Eric Stephens will remain as the President, Alan Mello will remain as the Vice-President, Kristen Jennifer Stephens will be the (New) Treasurer, and Christine Brennan will be the (New) Secretary; and Robert Mello, Randall Machado (New), and Edward Greenwood (New) will all be Co-Directors. The 'Club' is also requesting the approval of **Kristen Jennifer Stephens.**, who resides at **27 Nelson Street, N.B., MA. as their New Manager**. Premises will remain the same at **61-65 Madeira Avenue**.

*(No Advertisement nor Abutters Notification Required)*

**Present:** *Kristen Jennifer Stephens, Proposed New Manager along with Eric Stephens, President and Alan Mello, Vice-President*

Responding to questions from Chairman Beauregard, Ms. Stephens stated she worked with the previous manager for the past 6 months that they were there learning how to run the bar.

When asked if she was asked by Chairman Beauregard if she was T.I.P.S. Certified, Ms. Stephens stated that she was in the process of getting her certification.

When asked by Chairman Beauregard if she was familiar with the rules and regulations regarding the rental of your function hall, Ms. Stephens stated that she was very familiar with them and that they abide by them very strictly; and that they do not plan any changes.

**Voted:** 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 Ms. Stephens submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

**10. PETITION - Trans. # 00094-CL-0778– Plot # 106--85**

**St. Michael Social Club, Inc., Nelson Tavares, President**, who is petitioning for a **Change of Officers, Directors, and Manager, 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, Nelson Tavares will be the (New) President, Chris Pereira will remain as Vice-President, Rodolfo Botelho will remain as the Treasurer, and Valdir Araujo will be the (New) Clerk. Nelson Tavares, Chris Pereira, Rodolfo Botelho, Valdir Araujo, Joe Avelar, Fernando Pacheco, and Jay Williams will all be Co-Directors. The 'Club' is also requesting the approval of **Nelson Tavares**, who resides at **275 Bates Street, New Bedford, MA. as their new manager**. Premises will remain the same at **101 Madeira Avenue**.

*(No Advertisement nor Abutters Notification Required)*

**Present: Nelson Tavares, Proposed New Manager**

Responding to questions from Chairman Beaugard, Mr. Tavares stated that he's worked with the club before not as bartender but he has management experience with the club, and that he was T.I.P.S. Certified, as well as all of his bartenders.

When asked by Chairman Beaugard as to how many hours he would be on the premises, Mr. Tavares responded, I would like to say 30-40 but unfortunately it will probably be 60-80 hrs. a week.

When asked by Chairman Beaugard if he would be on site on Thursdays, Fridays, and Saturdays when things are taking place, Mr. Tavares responded, "oh yes!"

When asked by Chairman Beaugard if he was familiar with the rules and regulations regarding the rental of your function hall, Mr. Tavares responded, "absolutely!"

**Voted:** 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. Tavares 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 servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

#### **11. PETITION - Trans. #236-PK-0778 – Plot # 127—291**

**Quick Stop Convenience, Inc., Suresh Patel, President**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Suresh Patel** is the President, Treasurer, Secretary, Sole Director, and Sole Shareholder 100%; and **Ekta Patel** is the **Proposed Manager**. The proposed licensed premises is a convenience store located in a street level building in an area approximately 1,809 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes two (2) storage rooms and an office. There are two (2) entrances/exits in the front of the building, as well as one emergency exit located in the rear of the building.

The premise is situated on the east side of Acushnet Avenue, between Conduit and Lloyd Streets, and will be numbered **2344 Acushnet Avenue**.

Final approval will require a '**Certificate of Inspection**' from the Building Department,

*Application has been advertised; Abutters have been notified.*

**Present: Atty. Joseph P. Fingliss, Jr. along with Suresh Patel, Applicant and Ekta Patel, Proposed Manager**

Chairman Beaugard opened the hearing on the petition by asking Atty. Fingliss to present his case with regard to the petition that was before the Board for consideration and approval.

Atty. Fingliss stated the following: I represent Mr. Patel who is petitioning for a new retail package store beer and wine liquor license only ... Mr. Patel owns three other liquor establishments in the Commonwealth of Massachusetts ... two in Brockton ... one in Rosendale ... he owns one all alcohol license ... and two beer and wine licenses ... he's owned EZ Convenience (sic) (Quick Stop Convenience?) for a number of years and he's looking to expand upon his business operation in the New Bedford area ... he's T.I.P.S. Certified ... his daughter is going through the T.I.P.S. Certification process as we speak ... she will be the manager ... so they're petitioning the Board for a beer and wine license only ... and we checked with the ABCC and they have no problem issuing another license to Mr. Patel ... you can have approximately five (5) licenses ... this will be his fourth ...

and he's basically in lockstep with what the Commonwealth is doing ... in that ... in the small convenience store ... gas station area ... in order to be competitive ... a lot of these stores are going for beer and wine licenses ... a lot of these stores are doing this throughout the Commonwealth ... so in the performance of his current business operations ...he's looking to expand that in the New Bedford area ... like I said, he's been in New Bedford many...many years ... he's never had an issue at any store ... he's never had an issue in his New Bedford store ... he is just looking to expand in the town and get a license for his New Bedford store.

Atty. Fingliss continued his presentation by stating, like I do with most of my other clients ... we basically had people

come in and sign a petition if they'd like to see another liquor license in the area ... and they have several hundred people that are in support of the beer and wine only license (the petition was not presented to the Board nor was it entered into the record, except for the statement that was made by Atty. Fingliss) ... and he's basically requesting that you issue the beer and wine only license to him.

Atty. Fingliss concluded his remarks by stating Ekta is not T.I.P.S. Certified ... although he (Suresh) is T.I.P.S. Certified ... but she is going through the process ... and like the Board has done in the past ... they grant the license subject to each and every employee who's going to be handling the beer and wine be T.I.P.S. Certified ... we have no problem with that ... we want to comply and conform with any and all directives from the Board.

Chairman Beauregard opened up his questioning by confirming with Atty. Fingliss that this would be his fourth license, and that he currently has two other (RPS) beer and wine licenses, and one (RPS) all alcohol license; to which Atty. Fingliss added, this is what he does for a living; adding that he's committed ... in the process of doing 40 to 50 thousand dollars of in betterment to the facility ... coolers ... everything ... he's got professional people involved as he does with his other stores to make this like his other establishments ... they're a very professional ... clean ... concise operation.

When asked by Chairman Beauregard if he was familiar with the fact that the license, if it is to be granted, is based on public need in that particular area, to which Atty. Fingliss responded, "that's correct".

When asked by Chairman Beauregard if he was aware that there are 4 or 5 other liquor establishments (4 Off Premise) located in that area that are all located within a mile of that establishment; to which Atty. Fingliss responded, I understand that there are establishments that have full liquor licenses ... restaurants.

Chairman Beauregard interjected, just (RPS) ... you have Finest Liquors ... Towne Liquors ... Trio Liquors ... and Hi Lo Gas ... that are all located within a mile of his establishment; to which Atty. Fingliss responded, yeah ... that's four licenses ... I'm familiar with the law as Mr. Beauregard and I have discussed ... and four is definitely within the realm of possibility in obtaining a beer and wine license.

Chairman Beauregard responded, I not sure there's a regulation that states whether it's 2 ... 3 ... 4 as it relates to a certain number in an area.

Atty. Fingliss responded, I understand ... but in the case that we had litigated up in Boston ... it was five licenses that they were fully in acceptance of ... which I cited in my stuff ... so this would be like a fifth license in the area.

Chairman Beauregard responded, Town Liquors (Acushnet) ... which is not ours ... is only less than 500 ft. (466 ft.) away.

Atty. Fingliss responded, that's Acushnet ... I understand ... but that's a full liquor license ... which is on the corner in Acushnet ... but he's only looking for a beer and wine license ... as the country and as these states are going this way ... if you go down to Florida ... Public Markets ... Stop & Shop's ... and other stores like that offer beer and wine everywhere ... this is basically a main staple for these guys to stay competitive within the area and to generate tax revenue and tax income for the City of New Bedford ... by just offering beer and wine ... he's not seeking a full liquor license ... that's not his intent.

This concluded Atty. Fingliss' presentation and Chairman Beauregard's questions for the applicant.

Chairman Beauregard then asked if any other Board Members had any questions for the applicant or Atty. Fingliss, seeing no further questions from the Board, upon hearing and seeing none, Chairman Beauregard called for a motion on the petition.

Prior to making his motion, Commissioner Almeida stated, using (applying) the Ballarin Factors ... there's not a "public need" for another license up there ... like you said there are three (miss spoke Four (4) )there were enough licenses to service that area, all of which are located within a maximum 1.1 mile (0.8 mile) away from the location being proposed for a new wine & malt license; therefore, I'm going to make a motion to deny the application based on the lack of "public need" for a new license in that area as a result of considering the Ballarin Factors.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously not to approve the application**, based on the lack of public need for a new retail package store license in that area. – **Unanimous**

**12. PETITION - Trans. # 00043-RS-0778- Plot # 112—142 (No Representation Required)**

**A & E Jacinto, Inc. d/b/a Bom Appetite, 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**.

***Application has been advertised; Abutters notification is not required.***

***Present: No one was required to appear/Administrative Change***

**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**

**13. PETITION - Trans. #02829-RS-0778 – Plot # 52—292 (No Representation Required)**

**Vault LLC d/b/a Greasy Luck Brewery, 791-797 Purchase Street, Mark Martino, Co-Manager of LLC, is requesting approval of a Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to TD Bank N.A. with an address of P.O. Box 1029, 200-A Carolina Point Parkway, Greenville, South Carolina, as security to authorize and execute a promissory note in the amount of Eight Hundred & Fifty Thousand Dollars (\$850,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.**

**Present: No one was required to appear/Administrative Change**

**Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval - **Unanimous****

**VOTED: Commissioner Almeida made a motion to take up **Item #'s 14 – 24** at one time; waive reading; and approve the applications as presented – **Unanimous****

**14. APPLICATION, (No Representation Required)**

**Friendly Sons of St. Patrick, Barry Flynn, Representative, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a “Gala/Fundraiser”; to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Saturday, March 11, 2017, from 4:00 p.m. until 11:45 p.m.**

**15. APPLICATION, (No Representation Required)**

**Club Madeirense-S.S. Sacramento Club, Inc., Edward Camara, Jr., Representative, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a “St. Patrick’s Day Dinner Fundraiser”, to be held within the S.S. Sacramento Club, located at 50 Madeira Avenue; and to be held on Saturday, March 18, 2017 from 5:00 p.m. until 11:00 p.m. **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\*****

**16. APPLICATION, (No Representation Required)**

**Immigrants Assistance Center, Inc., Helena DaSilva Hughes, Executive Director, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a ‘46<sup>th</sup> Anniversary Fundraiser’ to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Friday, March 31, 2017, from 6:00 p.m. until 10:00 p.m.**

**17. APPLICATION, (No Representation Required)**

**Global Learning Charter Public School, Christina Rebello, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a ‘GLCPS Global Gala’ to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Saturday, April 1, 2017, from 6:00 p.m. until 9:00 p.m.**

**18. APPLICATION, (No Representation Required)**

**New Bedford Art Museum, Jennifer Almeida, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for an ‘Opening Reception’ event to be held at the N.B. Art Museum, located at 608 Pleasant Street; and to be held on Saturday, April 8, 2017, from 1:00 p.m. until 3:00 p.m.**

**19. APPLICATION, (No Representation Required)**

**Ivan Dias, Representative, who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for a ‘Wedding Reception’ to be held at the Fort Taber Community Center, located within Fort Taber; and to be held on Saturday, April 22, 2017, from 5:00 p.m. until 10:00 p.m.**

**20. APPLICATION, (No Representation Required)**

**Cinco De Mayo Celebration Committee, Javier Rojas, Representative, who is requesting pre-approval of an application for a Special One Day All Alcoholic Beverages License, for their ‘11<sup>th</sup> Cinco De Mayo Celebration’, to be held ‘on Rivet Street’ between Acushnet Avenue and South Second Street; and to be held on Saturday, May 6, 2017, from 12:00 p.m. until 11:00 p.m. (Last call at 10:30 p.m.)**

***(Liquor Liability with the City of New Bedford named as additionally insured on certificate is required/along w/Copy of the Police Detail Contract) **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\******

**21. APPLICATION, (No Representation Required)**

**Friendly Sons of St. Patrick, Inc., Timothy Murray, Representative, who is requesting approval of an application for a**



**Special One Day Wine & Malt Only Beverages License** for their '11<sup>th</sup> Annual Taste of the Southcoast', which will be held **under a tent on Pier 3**; and to be held on **Sunday, May 21, 2017 from 12:00 p.m. until 5:00 p.m.** (*Liquor Liability with the City of New Bedford named as additionally insured and a copy of the Police Detail Contract are required for final approval.*) **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**22. APPLICATION, (No Representation Required)**

**Schooner Ernestina Fundraising Committee, Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Fundraiser"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, June 9, 2017, from 6:00 p.m. until 9:00 p.m.**

**23. APPLICATION, (No Representation Required)**

**United Way of Greater New Bedford, Victoria Grasela, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Clambake Fundraiser' to be held on **Pier 3 – Under a Tent**, and to be held on **Friday, June 9, 2017, from 5:00 p.m. until 11:00 p.m.**

(*Liquor Liability with the City of New Bedford named as additionally insured and a copy of the Police Detail Contract are required for final approval.*) **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**24. APPLICATION, (No Representation Required)**

**Society of Senhor da Pedra/Holy Ghost Society, Brian DaRosa, Sr, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Fundraiser/Holy Ghost Society Feast', to be held in **Webster Court (Senhor da Pedra Parking Lot)**, located at **81 Tinkham Street**; and to be held on **Saturday, June 17, 2017, from 6:00 p.m. until 11:45 p.m. and Sunday, June 18, 2017 from 6:00 p.m. until 11:00 p.m.**

(*Final approval will require a copy of the Police Detail Contract*) **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove item #25 from the table; and to take up the matter at this time.**

*Tabled On 11/21/16*

**25. Hearing: Times Square Restaurant, Inc. d/b/a Bar 908**

**Mr. Thomas A. Kern, Manager**  
**908 Purchase Street**

**Closed 07/21/15**

**Prior Renewal Hearings: (4)**

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.

**11/21/16 Decision**

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 March 27, 2017 meeting.**

The Board's decision was based on the information you provided to the Board in which you stated that the ongoing renovations would be complete by March 1, 2017, which would allow you to open by the end of March as a sports bar.

**If you are operational by March 27, 2017, you will not be required to appear as notified.**

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: Thomas Kern, Owner**

Responding to questions from Chairman Beauregard, Mr. Kern stated that ongoing renovations are three quarters done and that he planned on either making changes on the current corporation or forming a new corporation, as a result of bringing on a new co-owner; adding that he wanted to make those changes before he opens.

Mr. Kern went on to state that he needs a new lease after discovering his lease expired in 1997 but there's been a delay in getting the new lease due to health problems that the owner of the building is dealing with.

When asked by Chairman Beauregard as to when he planned on opening, Mr. Kern responded, I would like to do it late May or early June but I'm waiting for the kitchen to be completed.

Mr. Kern stated that Atty. Chris Saunders would be working on the application, once he gets the lease.

**Board's Written Decision of 04/03/17:**

As a result of the open hearing held on March 27, 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, **the Board voted unanimously to table the matter until this Board's August 28, 2017 meeting.**

The Board's decision was based on the information you provided to the Board in which you stated that the ongoing renovations would be complete soon but it was your intention to submit a transfer of license. Please be advised that your application for transfer must be submitted as soon as possible but **by no later than August 1, 2017.**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove item #26 from the table; and to take up the matter at this time.**

*Tabled On 11/21/16*

**26. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant**

**Ms. Xiaohui Yang, Owner**

**218 Union Street**

**Transfer Approved On 12/09/14 – “Proposed Hotel”**

**Prior Renewal Hearings: (6)**

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.

**11/21/16 Decision**

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 March 27, 2017 meeting.**

The Board's decision was based on the information provided by Atty. (Christopher) Markey at said meeting, at which he stated that it's now your intention to sell your license due to a much longer construction time than originally anticipated.

This office has posted Atty. Markey's contact information on the liquor license availability list, which we have posted in the office, and that we distribute upon request.

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: Atty. Christopher Markey along with Arthur DeMello, Property Manager**

Responding to questions from Chairman Beauregard, Atty. Markey stated that he may have a buyer for the license, but since the project is moving forward rather quickly, they may now hold onto the license with a proposed April 2018 opening of the hotel.

**Board's Written Decision of 04/03/17:**

As a result of the open hearing held on March 27, 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 **the Board voted unanimously to table the matter until this Board's August 28, 2017 meeting.**

The Board's decision was based on the information provided by Atty. (Christopher) Markey at said meeting, at which he stated that he's been in contact with a potential buyer; as well as stating that the project looks like it's going to move forward rather quickly with a tentative April 1, 2018 opening.

The Board's decision will give you sufficient time to complete the sale of your license or determine if you would rather keep the license to be used at the proposed new hotel project.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove item #27 from the table; and to take up the matter at this time.**

*Tabled On 11/21/16*

**27. Hearing: Sapatinha's Café, Inc. d/b/a Euphoria Lounge**

**Mr. Jose G. Borges, Jr., Owner**

**289 Acushnet Avenue**

**Closed/Fire 01/26/15 – Ongoing Renovations/Altering of Premises Approval – 08/31/16**

**Prior Renewal Hearings: (7)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. The hearing is also being held at the request of the members of this Board in order for you to update the Board as to the ongoing renovations.

**If you are operational by March 27, 2017, you will not be required to appear as notified.**

**Present: Jose G. Borges, Owner**

Responding to questions from Chairman Beauregard, Mr. Borges stated that all the renovations have been completed and he's awaiting his final inspections that are scheduled for this week, and the issuance of his Food Permit and Certificate of Occupancy, which would allow him to re-open.

When asked by Chairman Beauregard as to when he planned on re-opening, Mr. Borges stated, if everything goes as planned, I plan on opening by the end of next week.

**Voted:** On a motion by Commissioner Almeida the Board **voted unanimously not to take any further action at this time; based on the information provided by Mr. Borges.**

**Note:** Mr. Borges re-opened on 04/10/17.

*Tabled On 11/21/16*

**28. 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 be held in this office, **City Hall, Room 314, on Monday evening, March 27, 2017 at 7:00 p.m.**, 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.

**11/21/17 Decision**

**Present: Ramon Silva, Licensee**

Mr. Nanopoulos informed Mr. Silva that although he renewed his license online, he was still required to come into the office with the required documents to renew his license on the local level.

Responding to questions from Chairman Beauregard, Mr. Silva stated that he had someone who was going to buy the license and rent the space but it's my understanding that the transaction fell apart because of the rent; adding that he was not a party to that portion of the deal, which was handled by Mr. Rockett with whom he's had no contact with regarding the renting of the space. Mr. Silva stated that if the license is not sold by February 1, 2017, he would work on moving it somewhere else.

When asked by Chairman Beauregard if he had a Pledge on it to keep the license at that location, Mr. Silva stated that he holds a pledge on it but not specifically to keep it at that site.

When asked by Chairman Beauregard, so you can't do anything with that license unless he signs off on it? To which Mr.

Silva responded, right, and I've tried to reach his Attorney ... Jay Peabody doesn't represent him any more ... so we haven't been able to contact him.

Mr. Nanopoulos informed the Board that Mr. Rockett has no rights to the license unless he forecloses on the licenses through the court.

Mr. Silva responded, my plan is ... if he doesn't allow me to get rid of the pledge ... or if he doesn't work out a deal with somebody for that space by January ... I've already spoken to a couple of other property owners about moving it on my own ... and doing something else with it.

Chairman Beauregard responded, I would strongly suggest that you do that sooner rather than later, I think we've given him more than ample opportunity to use your license at his location.

Mr. Silva responded by stating, I've already had preliminary conversations with a landlord that's renovating the building about potentially moving into a space this spring.

Chairman Beauregard responded, I would strongly suggest that you pursue that rather quickly.

Mr. Nanopoulos informed Mr. Silva that he should try getting in touch with Carol Robinson, who takes care of Mr. Rockett's affairs, and suggested that he call the office in the morning to get the number.

**Voted:** On a motion by Commissioner Almeida the Board **voted unanimously to table the matter until this Board's March 27, 2017 meeting.**

**If an application for transfer is submitted by March 27, 2017, you will not be required to appear as notified.**

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:** *Licensee did not appear as requested.*

**Voted:** On a motion by Commissioner Almeida the Board **voted unanimously to continue the matter until this Board's April 24<sup>th</sup> meeting.**

#### **29. Hearing: H.A. Sports, Inc. D/B/A Legend's Sports Pub**

**Mr. Haldo Arriaga, Manager/Owner**

**78 Covell Street**

*License was issued on 02/16/17.*

**Your presence** and that of **Maria Alvarado, Bartender** 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:

#### **Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c, 64-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service; The licensing authorities, after notice to the licensee and a reasonable opportunity to be heard, may modify, suspend, revoke or cancel said license upon satisfactory proof that the licensee has violated or permitted any condition thereof (Chapter 138), or any law of the commonwealth.

#### **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. 5, 10, 11-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule.

#### **Summary of Incident Reports**

Police Department Incident Report states that Officers were dispatched to 78 Covell Street regarding underage parties consuming alcohol at the bar. Upon entering the premises, the Officers observed a young female standing at the bar with several empty shot glasses along with two glasses in front of her. When the Officers approached her and asked her for an I.D., she became agitated and stated, "I don't have an I.D." When responding to the Officers, the Officers could smell an odor of an alcoholic beverage emitting from her breath. When the Officers asked her how old she was, she stated that she was 21 years old, which when checked through their MDT Terminal, the Officers discovered that she was only 19 years of age.

When asked by the Officers, the bartender stated that she did serve the female along with two other bar patrons that accompanied her, adding that she didn't want to get into trouble and that she did not card the female. The underage female continued to rant and rave drawing more attention to her tumultuous behavior, which resulted in her arrest, as well as another female who appeared to be highly intoxicated due to her belligerent behavior.

**Date and time of alleged violations: Tuesday, February 21, 2017 @ approximately 10:03 p.m.**

**Police Report # 17-459-AR)**

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

**Present: Atty. Jennifer Velarde along with Haldo Arriaga, Manager**

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to receive the report and place it on file**; additionally, the establishment **will be placed on probation for one (1) year** effective March 5, 2017 and concluding on March 5, 2018.

**The following written decision in part was issued to the licensee on 04/03/17.**

Following the public hearing held on Monday, March 27, 2017 to determine whether you violated certain provisions of M.G. L., Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations, as reported to the N. B. Police Department, this Board, upon hearing the testimony presented, **voted unanimously to receive the report and place it on file; additionally, the establishment will be placed on probation for one (1) year effective March 5, 2017.** Although the Board takes the service of alcohol very seriously, the Board also took into consideration that the licensee has taken steps to instruct all his employees to conduct I.D. checks on all patrons prior to being served, as well as posting signs as a reminder to all employees to help ensure that this type of violation does not occur in the future. Although the Board took no action, please be advised once again of the following ABCC and Licensing Board Regulations:

**Massachusetts General Laws Chapter 138, sections 34, 34b, 34c, 64-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service; The licensing authorities, after notice to the licensee and a reasonable opportunity to be heard, may modify, suspend, revoke or cancel said license upon satisfactory proof that the licensee has violated or permitted any condition thereof (Chapter 138), or any law of the commonwealth.

**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. 5, 10, 11-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule.

• **CORRESPONDENCE**

**From: Commonwealth of Massachusetts** **Dated 01/12/17** **Received** **–**  
**01/30/17**

**Re: CUVE Wine, LLC d/b/a Crush New Bedford** **801 Purchase Street**

**SPECIAL LEGISLATION: An Act Authorizing the City of New Bedford to Grant an additional License for the Sale of All Alcoholic Beverages Not to Be Drunk on the Premises under Ch. 138 sec.15; The license shall be subject to all of said Chapter 138, except said section 17; The licensing authority shall not approve the transfer of the license to any other person, partnership, limited liability company, organization, corporation or entity.**

**“See Special Legislation for Other Restrictions” – Chapter 424 of the Acts of 2016**

**ACTION TAKEN:** Received & Placed on File.

**COMPLAINTS RECEIVED:**

---NONE--

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

**NAME** **POLICE REPORT#** **DATE** **VIOLATION**

1. Carreiro's Pub 126 #17 – 2228 – OF 02/26/17 Disturbance/Loud Music  
(Approximate Time of Violation 12:09 a.m.)

**Decision:** The Board voted unanimously to receive the report and place it on file with a Letter of Warning.

2. Ilha Verde Café #17 – 2579-OF 03/06/17 Intoxicated Robbery Victim  
(Patron)  
(Approximate Time of Violation 2:20 a.m.)

**Decision:** The Board voted unanimously to receive the report and place it on file with a Letter of Warning.

3. The Garden #17 – 3043 – OF 03/18/17 Disturbance/Fight/ Patron  
"LATE FILE" Assaulted on Premises  
(Approximate Time of Violation 2:15 a.m.)

**Decision:** The Board voted unanimously to receive the report and place it on file with a Letter of Warning.

4. Slainte Irish Pub #17 – 3087 – OF 03/19/17 Disturbance/Patron Assaulted/  
Intoxicated & Unruly Patron  
(Approximate Time of Violation 1:09 a.m.)

**Decision:** Bring In For a Hearing – 04/24/17

5. Slainte Irish Pub #17 – 3382 – OF 03/26/17 Disturbance/Patron Assaulted/  
"LATE FILE" Intoxicated & Unruly Patron  
(Approximate Time of Violation 1:36 a.m.)

**Decision:** Bring In For a Hearing – 04/24/17

6. Whiskey Lounge #17 – 3229 - OF 03/22/17 Disturbance/Patron Assaulted/  
"LATE FILE" Unruly Patrons  
(Approximate Time of Violation 1:14 a.m.)

**Decision:** The Board voted unanimously to receive the report and place it on file with a Letter of Warning.

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

- 11<sup>th</sup> Annual Cinco De Mayo Celebration – May 6<sup>th</sup> – "License Applied For – No Changes"
- Viva Portugal – May 6, 2017 – "License Applied For – New Set Up"  
(March Meeting)
- 11<sup>th</sup> Annual Taste of the South Coast (Pier 3) – May 21<sup>st</sup> – "License Applied For – No Changes"
- Irmandade Do Divino Espirito Santo Do Pico – June 23<sup>rd</sup>, 24<sup>th</sup>, & 25<sup>th</sup> - "License Applied For – No Changes"
- Day of Portugal – June 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup>  
(April Meeting)
- New Bedford Jazz Fest – June 10<sup>th</sup> - "License Applied For – No Changes"
- Cape Verdean Day Parade – July 1<sup>st</sup>  
(May Meeting?)
- New Bedford Folk Festival – July 8<sup>th</sup> & 9<sup>th</sup>  
(March Meeting)
- New Bedford Food Truck Festival – July 15<sup>th</sup> - License Applied For – New Set Up"  
(May Meeting?)

- **Summer Concert Series – July thru Sept.  
(May Meeting?)**
- **Feast of the Blessed Sacrament (Madeira Feast) – Aug. 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup>  
(June Meeting?)**
- **12<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup>**
  
- **NEXT TWO MEETING DATES: April 24<sup>th</sup> & May 22<sup>nd</sup>, both on Mondays, in Room 120 - Approved**
- **MEETING ADJOURNED: 8:18 p.m.**