



Licensing Board

January 23, 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
Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.
Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF October 24, 2016 - Unanimous

MOTION TO ACCEPT THE MEETING MINUTES OF November 21, 2016 - Unanimous

MOTION TO ACCEPT THE MEETING MINUTES OF December 19, 2016 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New Retail Package Store Wine & Malt License - Trans. # 88931-PK-0778 – Plot # 137--35

Tejendra, Inc. d/b/a Dairy Mart, Gunvant I. Patel, President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Gunvant I. Patel** is the President, Treasurer, Secretary, Sole Director, Sole Shareholder 100%, and the **Proposed Manager**. The proposed licensed premises is a convenience store located in a street level building in an area approximately 1,927 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 one room for the storage of alcohol in the rear of the building. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located on the north side of the building. The premise is situated on the west side of Acushnet Avenue, between Leroy Street and Sassaquin Avenue, and will be numbered **4443 Acushnet Avenue**.

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department.

Approved By ABCC – 12/20/16

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

Club Recordacoes de Portugal, Inc., Antonio DaSilva, 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, Antonio DaSilva will be the President and a Co-Director, Alipio DosAnjos will be the Vice-President and a Co-Director, Carlos Chaves will be the Treasurer and a Co-Director, and Avelino Sequeira will be the Secretary and a Co-Director. **Ricardo Martins** will remain as the **Manager**. Premises will remain the same at **249-253 Coggeshall Street**.

Approved By ABCC – 12/23/16

Transfer & Pledge of License - Trans. # 03004-GP-0778 (Old#00176-PK-0778) – Plot # 112--185

W.T. Sports, Inc. d/b/a Legend’s Sports Pub, Manuel A. Ferreira, President, who is petitioning to **transfer a General on Premise All Alcoholic Beverages License** to **H. A. Sports, Inc. d/b/a Legend’s Sports Pub**. Upon approval, **Haldo Arriaga** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%) and the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the General on Premise All Alcoholic Beverages License** to **Manuel A. Ferreira** with an address of **270 Old County Road, Westport, MA**. as security to authorize and execute a promissory note in the amount of **Two Hundred & Forty – Nine Thousand Dollars (\$249,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The premises will remain the same as previously approved as follows: The licensed premises consists of a total area of approximately 1,300 sq. ft., which includes one room with a bar and lounge area, kitchen, two restrooms, and storage area on the first floor of a one-story building. The premise is situated on the south side of Covell Street, between Acushnet Avenue and Belleville Avenue, and is numbered **78 Covell 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'.

Approved By ABCC – 01/06/17

Transfer & Pledge of License - Trans. # 88951-PK-0778 (Old #00176-PK-0778) – Plot # 54--4

Swamini, LLC d/b/a Zully's Wine & Spirits, Dhaval Patel, Manager of the LLC, who is petitioning to transfer a Retail Package Store All Alcoholic Beverages License to Shri Gurave, LLC, d/b/a Zully's Wine & Spirits. Upon approval Jasminkumar Patel will be a Member and Co-Interest Holder (25%), Falguni Patel will be a Member and Co-Interest Holder (25%), and Jaimin Soni aka Patadia will also be a Co-Member and Co-Interest Holder (50%) in the LLC; Dhvani Mandia will be the Sole Manager of the LLC and the Manager of the Liquor License. The proposed transferee is also requesting a Pledge of the Retail Package Store All Alcoholic Beverages License and Alcohol 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 Three Hundred Thousand Dollars (\$300,000.00), pursuant to Massachusetts General Laws Ch.138 s.23. Premises will remain the same as follows: One room on the first floor of a one-story building in an area approximately 2,800 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 a room for the storage of alcohol. There is one (1) entrance/exit in the front of the building, as well as one additional entrance/exit located at the rear of the building. The premise is situated on the south side of Kempton Street between Commonwealth Avenue and the Dartmouth Town Line, and is numbered 1240 Kempton Street. (Premise is located within the Shaw's Plaza area.)

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

Approved By ABCC – 01/06/17

Change of Officers, Directors, & Manager - Trans. # 00095-CL-0778 – Plot #106—137

Clube Ponta Delgada, Inc., Eric Stephens, New 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 be the President, Alan Mello will be the Vice-President, Kristen Fiano will be the Treasurer, and Corilyn Gibau will be the Secretary; and Maria Simas, Robert Mello, Robert Lopes, and Clement Costa will all be Co-Directors. The 'Club' is also requesting the approval of Walter Gibau, Jr., who resides at 1520 Purchase Street, N.B., MA. as their New Manager. Premises will remain the same at 61-65 Madeira Avenue.

Approved By ABCC – 01/12/17

Transfer & Change of Location - Trans.# 03030-RS-0778 (Old # 00039-RS-0778) – Plot # 19—49

"Late File"

DeAbreu & Sons, Inc. d/b/a Fortuna Grill, Manuel DeAbreu Dos Reis, President, for a license currently issued for use at 288 Union Street, who is petitioning to transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License to New Taipei, Inc. d/b/a Taipei Asian Cuisine. Upon approval, Jian Guo Zhang will be the President, Secretary, a Co-Director, and a Co-Shareholder (40%); and, Hui Fang Lu will be the Treasurer, a Co-Director, and a Co-Shareholder (60%). Hui Fang Lu is the Proposed Manager of the Liquor License. The new proposed licensed premises consist of an area approximately 2,340 sq. ft. located on the first floor of a one-story building, which will include one room that will include a waiting area and sushi bar and an additional room for dining. There is also a kitchen, which includes a Walk-in Cooler and Storage Room for the storage of alcohol; as well as two restrooms. The licensed premises will have one (1) entrance/exit in the front of the building, and two (2) emergency exits located at the rear of the building. The unit is located in a storefront plaza, which is situated on the north side of Rockdale Avenue, between Bolton & Orchard Streets, and will be numbered 37 –Unit # 4 Rockdale Avenue.

Final approval will require a signed 'Fire & Building Certificate' as required under the Chapter 304 Fire Acts Compliance; along with a copy of 'Proof of Liquor Liability'.

Approved By ABCC – 01/19/17

VOTED: To accept all the approvals from the ABCC and place them on file. – **Unanimous**

1. Hearing: Moby Dick Brewing Company, Inc. – "Application Being Prepared"

Mr. David Slutz, President

52 Union Street

Approved 10/04/16 – On Going Renovations

Prior 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 in order for you to update the Board as to the ongoing renovations; as well as to discuss any planned changes to the description of the premises and any possible change in management of the day to day operation of the premises.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date and any planned changes, if not already submitted.

Present: Licensee was excused from appearing.

Mr. Nanopoulos informed the Board that he had spoken to both Atty. (Christopher) Saunders and Mr. Slutz, and they informed him that they were preparing an application for a change of manager and altering of premises, 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.

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

2. Hearing: 161 Highland Avenue, Inc. - "Application Being Prepared"

d/b/a Trio Restaurant

Ms. Sandra Rodrigues, Owner

418-420 Rivet Street

Closed – 11/13/16 Licensee Decision

Prior Hearings: (0)

Your presence is respectfully requested at a hearing 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 **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either a re-opening date, plans to transfer, or change of location, as it applies to your situation.

If an application for a transfer of license has been submitted **by January 9, 2017**, you will not be required to appear as notified.

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.

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

Tabled at 11/21/16 Meeting

3. Hearing: JAKIBRI, LLC d/b/a Kirby's Irish Pub. - "Application Being Prepared"

Mr. Jason Kirby, Manager/Co-Owner

818 Kempton Street

Closed 09/21/15 – Estimated

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.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

11/21/16 Decision

As a result of the information provided at the July 25, 2016 meeting to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to renew your license for '2017' and to once again table the matter until this Board's January meeting.**

The Board's decision was based on the information that you provided to this Board in which you stated that you had a signed P & S Agreement to transfer your license to Douglas Grace, and that license would be staying at the current location; and that you were only waiting for your Certificate of Good Standing to complete the application.

If an application for a transfer of license has been submitted by January 9, 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 was excused from appearing.

Mr. Nanopoulos informed the Board that he had spoken to Atty. Youman who stated that he is working on a transfer of license to Mr. Grace who would be keeping the license at the current location, and that it was his intention to hopefully have the application submitted in time for the February meeting but no later than for the March meeting.

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

Tabled at 10/24/16 Meeting

4. Hearing: Nabih Moujabber d/b/a Lebanese Kitchen. - "Application Being Prepared"

Mr. Nabih Moujabber, Licensee

1487-1489 Purchase Street

Closed 07/12/14 – Renovations (Fire)

Prior Renewal Hearings: (8)

Your presence is respectfully requested at a hearing 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 **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Decision of 10/24/16 Meeting

Based on the current condition of the building on Purchase Street as well as the still unresolved issues that are pending to complete the renovations at that location, it was the opinion of the Board that the building appears to be a long way from being ready to open; therefore, it was the Board's suggestion that you make every attempt possible to sell your beer and wine license; and if in fact, in six months or a year from now you get that building up and running, there will always be licenses out there available for you to pick up.

Therefore, it was the Board's Decision to allow you three (3) more months to take action with regard to your license by either:

- Opening and operating at the existing location as stated on your license;
- Submitted paperwork for a change of location and a date certain for the opening at the new location;
- To have submitted an application for the sale and transfer of the license to a new owner.

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 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 July 12, 2014 and you have been afforded ample opportunity to take action. We strongly advise that you make every attempt possible to activate this license to avoid our having to take revocation action.

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

Present: Licensee was excused from appearing.

Mr. Nanopoulos informed the Board that he had met with Atty. Christopher Whittingham who’s working on an application to transfer the license to 768 Purchase Street for use at a new Roast Beef Shop, and that it was his intention to hopefully have the application submitted in time for the February meeting but no later than for the March meeting.

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

5. Hearing: Shooter’s Pub – “Re-Opened on 01/13/17”

Ms. Jere A. Espejo, Owner
2112 Acushnet Avenue

Closed – 12/16/16 Licensee Decision

Your presence is respectfully requested at a hearing 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 **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either a re-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.

If an application for a transfer of license has been submitted by January 9, 2017, you will not be required to appear as notified

Present: Licensee was excused from appearing.

Mr. Nanopoulos informed the Board that the licensee had picked up her license and she has re-opened the pool hall.

Voted: On a motion by Commissioner Almeida the Board **voted unanimously to take no further action at this time.**

Voted: On a motion by Commissioner Almeida, the Board **voted unanimously to remove item #6 from the table; and to take up the matter at this time.**

Tabled at 10/24/16 Meeting

6. Hearing: Portugal Verde Soccer Academy, Inc.

Mr. Isaias M. Furtado, Manager
424 Nash Road

Approved on 12/09/15 – Never Opened

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. If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

10/24/16 Decision

As a result of the information provided at the October 24, 2016 meeting to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to renew your license for ‘2017’ and to once again table the matter until this Board’s January meeting.**

The Board's decision was made to allow you three (3) more months to resolve all your outstanding issues in order for you to be issued your Certificate of Inspection and your 304 Certificate, which are required by law in order for you to receive your liquor license. It is imperative that you remain in contact with both the Building Department and Fire Prevention to see exactly what you need to do to be in full compliance.

Failure to comply with this Board's Decision will result in a hearing on the revocation of your license.

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.

Present: Isaias Furtado, Owner; James Berube, Area Inspector

Mr. Berube opened the hearing by presenting to the Board a copy of the most recent Engineer's Code Analysis and Site Plan that was submitted by RAV & Associates, Inc., dated 1/19/17, which the Board voted unanimously to receive and place on file.

Mr. Berube stated that there were still many issues left to be resolved, with the biggest issue being that the premises needed to have sprinklers installed.

Upon discussing the matter at length with Mr. Furtado with input from Mr. Berube, Chairman Beauregard voiced his concern that after a year, all outstanding issues still have not been resolved for whatever reason in order for Mr. Furtado to be issued his C. I. and 304 Certificate, in order for the Board to release his license; and was further concerned that the sprinkler issue has now arose, one that the Board was not aware of prior to this meeting; which still leaves some substantial work to be done at this location; adding, and it's been a year already.

In discussing the matter with Mr. Furtado, Chairman Beauregard informed Mr. Furtado that he would have to make a decision rather quickly if he wanted to complete the required renovations including at this point, installing a sprinkler system, which would be at a great expense; adding if the answer is "no", then I would suggest that you find a buyer for your license, I would suggest you do either one rather quickly.

Chairman Beauregard concluded his remarks by stating, In my opinion, we've given the licensee a year already to resolve those issues and they are still not complete, therefore, I would be in favor of revoking the license and setting aside the decision for six (6) months, which would allow Mr. Furtado an additional six (6) months to resolve those issues or to find a buyer for his license; and I think the eighteen (18) months in total we would have given to Mr. Furtado, is more than a reasonable amount of time; if a significant amount of progress is made by that date, the Board could always reconsider their decision at that time.

Board's Written Decision of 01/25/17

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.

VOTED: Commissioner Almeida made a motion to take up **Item #'s 7 – 10** at one time; waive reading; and approve the applications as presented – **Unanimous**

7. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Sailor Series Lecture Reception"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, February 2, 2017, from 6:00 p.m. until 7:00 p.m.**

8. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Sailor Series Lecture Reception"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 2, 2017, from 6:00**

p.m. until 7:00 p.m.

9. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Sailor Series Lecture Reception”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 23, 2017, from 6:00 p.m. until 7:00 p.m.**

10. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Sailor Series Lecture Reception”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 6, 2017, from 6:00 p.m. until 7:00 p.m.**

11. Hearing: Carlos’ Kitchen

Mr. Jose Antonio DoSouto, Licensee
1598 Purchase Street

Your presence and that of **Analberto Sanches, DJ and Liliana DePina, Bartender** is requested at a hearing to determine whether you have violated various licensing rules & regulations. This hearing will focus on a late night disturbance resulting from the ‘use of the building’ by a third party. Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

The potential violations are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

Liquor License Control Act-

Allowing a third party to sell tickets or use other methods of admission (where the price of admission includes any alcoholic beverages), results in the licensee transferring the privilege of its license, or transferring a direct or beneficial interest in its license to a third party.

Licensing Board Regulations No. 1, 6, 10, 11, 12, 19, 28-

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. Immediate notice of the appointment must be made to the Board in writing;

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. It is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe; within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.); a current list of employees shall be submitted to authorized agents of the Licensing Board, upon request.

Summary of Incident

Police Department Incident Report states that Officers were dispatched at least three (3) times between the hours of 12:00 a.m. and 2:30 a.m. in reference to disturbances; due to the large crowd, several downtown units were required to respond and assist with these calls. The initial disturbance call was for loud music emanating from the establishment, which officers stated was clearly being used as a nightclub.

Upon entering the premises, the officers observed a disc jockey playing very loud music in a room with little to no lighting, and there was a cash register at the door that appeared to be collecting a cover charge; and there was also another cash register at the bar with a sign on it that read, “CASH ONLY”. The music was so loud that it could be heard at least a block away; and the exit door was blocked to prevent any passage.

Officers were called back to the establishment for a 2nd and 3rd time. The officers noted that the 3rd call came in after 2:30 a.m. when all patrons should have exited the premises. The officers observed at least 30-35 people still continuing with the party, and there were also approximately 8 individuals with fully fresh, apparent, alcoholic beverages; and the DJ was continuing to play music at a very loud level and the house lights were still off as they were before.

When the officers asked who was in charge, the DJ (Analberto Sanches) stated that he was, although there seemed to be several other employees working; but no one other than Mr. Sanches stated that they were in charge. Mr. Sanches pleaded for a verbal warning for the listed violations and stated that he was only "using" the building.

Date and time of alleged violations: Sunday, November 13, 2016 @ approx. 3:00 a.m. - Police Report #'s 16-14579-OF

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

Present: Jose Antonio DoSouto, Licensee: Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Dane, Reporting Officer

Upon being asked by Mr. Nanopoulos if he had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was before the Board based on the summary and the list of alleged violations contained in the 'Notice', Mr. DoSouto stated that he did receive the notice and was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Chairman Beauregard informed Mr. DoSouto that the reporting officer was present to read, summarize, or give testimony to what was contained in his report; and at the conclusion of their testimony, the Board would then ask any questions they may have, and then he would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Chairman Beauregard opened the hearing by asking Officer Dane to either summarize or read his report regarding the incident that occurred on November 13, 2016.

Officer Dane proceeded to give his testimony as to what was documented in his Police Reports regarding the incident, as noted and summarized in the 'Hearing Notice'; including testimony that he's had to respond to that location on numerous occasions on complaints from neighbors regarding late night disturbances.

Mr. DoSouto was afforded ample opportunity to respond to the testimony that was presented by Officer Dane, as well as addressing those concerns presented by the Board.

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** decrease (Rollback) the hours of operation and to amend the your Common Victualler (Restaurant) Wine & Malt Only Beverages License to reflect a 10:00 p.m. closing.

The reduction in hours will remain for a minimum of six (6) months at which time the licensee can request a hearing before this board to reconsider this decision.

Board's Written Decision of 01/25/17

Per your hearing of Monday, January 23, 2017, it was the Board's decision to decrease your hours of operation and amend your Common Victualler (Restaurant) Wine & Malt Only Beverages License to reflect a 10:00 p.m. closing. This reduction in hours will remain for a minimum of six (6) months at which time you can request a hearing before this board to reconsider this decision. **Your 10:00 p.m. closing will be effective January 30, 2017 and is conditionally set to expire on y, July 31, 2017.**

Please be advised that the reduction in hours is non-appealable under M.G.L. Ch. 138, sec.12.

As you are aware, the Board had great concerns about the incident of November 13, 2016. The Board felt that your understanding as to the severity of the event as well as your testimony was credible however, the incident did occur and therefore a remedy must be imposed. The Board understands your situation as presented but as the license-holder, it is you that is ultimately responsible for the operation of the establishment. We certainly take into consideration the financial impact of our decisions on establishments and its employees; however, the Board has a greater obligation to the complaints and concerns of residents when they are reported to this office.

You are requested to bring your current license into our office on Monday, January 30, 2017 at 8:00 a.m.at which time you will be issued an amended license reflecting the 10:00 p.m. closing.

Please be advised that within fifteen minutes after closing (10:15 p.m.), all glasses, bottles or containers must be removed from the tables and bar and no alcoholic beverages shall be served or be consumed. All customers must be out of the establishment no later than thirty minutes after closing (10:30 p.m.).

12. Hearing: Carlos' Kitchen

Mr. Jose Antonio DoSouto, Licensee
1598 Purchase Street

Your presence and that of **Analberto Sanches, DJ and Liliana DePina, Bartender** 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 an incident 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 -)

Present: Jose Antonio DoSouto, Licensee: Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Dane, Reporting Officer

Decision: See Item # 11

13. Hearing: Barbosa and Raposo, Inc. d/b/a Tilia's Café & Restaurant

Mr. Jose Barbosa, Manager/Co-Owner

1615-1623 Acushnet Avenue

Your presence is requested at a hearing to determine whether you have violated various licensing rules & regulations. This hearing will focus on a late night disturbance and serving after hours. Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

The potential violations are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 11, 12, 19-

Excessive Crowds 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.; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

Summary of Incident

Police Department Incident Report states that Officers while on patrol noticed a large group of patrons (around 75-100) outside of Tilia's on the sidewalk around 1:54 a.m. After clearing the large group outside, which took 10-15 minutes, the officers went inside Tilia's at approximately 2:10 a.m. and noticed about 100-150 patrons still inside the restaurant, of which half the patrons still had drinks in their hands and were not leaving. The officers along with security attempted to push the crowd inside the restaurant out, which took another 10-15 minutes due to patrons talking among each other as well as trying to finish their drinks.

Once all the patrons were outside the restaurant it took another 10 minutes of trying to disperse the crowd to their vehicles and leaving. After the crowd had been dispersed, the officers were called back to Earle Street and Ashley Boulevard for a large group causing a disturbance. It was approximately 2:45 a.m. when all the patrons had been dispersed from the restaurant as well as the parking lot.

Date and time of alleged violations: Sunday, November 13, 2016 @ approx. 2:45 a.m. - Police Report #'s 16-14577-OF

Present: Atty. Christopher T. Saunders along with Jose Barbosa, Manager/Co-Owner, Sandra Estrella, Daughter (Present to Translate), Monica Carreira, Waitress, Carlos Neves, DJ, and Jose Raposo, Former Co-Owner; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Nathan Avelar, Reporting Officer

Prior to opening the hearing, Mr. Nanopoulos corrected a typo for the record that appeared on the hearing notice, which stated that "the hearing will focus on a late night disturbance resulting from the 'use of the building' by a third party"; the notice should have stated, "This hearing will focus on a late night disturbance and serving after hours."

The correction was accepted by Atty. Saunders.

Upon being asked by Mr. Nanopoulos if his client had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was before the Board based on the summary and the list of alleged violations contained in the 'Notice', Atty. Saunders stated that he did receive the notice and was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Chairman Beauregard informed Atty. Saunders that the reporting officer was present to read, summarize, or give testimony to what was contained in his report; and at the conclusion of their testimony, the Board would then ask any questions they

may have, and then he would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Chairman Beauregard opened the hearing by asking Officer Avelar to either summarize or read his report regarding the incident that occurred on November 13, 2016.

Officer Dane proceeded to give his testimony as to what was documented in his Police Reports regarding the incident, as noted and summarized in the 'Hearing Notice'.

Atty. Saunders was afforded ample opportunity to respond to the testimony that was presented by Officer Avelar, as well as addressing those concerns presented by the Board.

As part of his defense of his client, Atty. Saunders submitted a written account of what they observed that evening from Statewide Protective Services, who was hired by the licensee as added security and was on duty that evening, which the Board voted unanimously to receive and place on file.

Board's Written Decision of 01/25/17

Following the public hearing held on Monday, January 23, 2017 to determine whether you violated certain provisions of 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 with no further action at this time.**

Although the Board took no action, please be advised once again of the following ABCC and Licensing Board Regulations, and City Ordinance:

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, & 19-

Excessive hilarity, noise, crowds and objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule. Premises must at all times be kept safe; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

As this Board has reminded you in the past, it is a violation to permit any illegality on or about your premises and if your staff feels that they or any of your patrons may be in any danger, they should contact the police immediately.

14. Hearing: Barbosa and Raposo, Inc. d/b/a

Tilia's Café & Restaurant

Mr. Jose Barbosa, Manager/Co-Owner

1615-1623 Acushnet Avenue

Your presence 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 an incident 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 -)

Present: Atty. Christopher T. Saunders along with Jose Barbosa, Manager/Co-Owner, Sandra Estrella, Daughter (Present to Translate), Monica Carreira, Waitress, Carlos Neves, DJ, and Jose Raposo, Former Co-Owner; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Nathan Avelar, Reporting Officer

Action Taken: NONE

• **CORRESPONDENCE**

--NONE--

• **COMPLAINTS RECEIVED:**

--NONE--

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

NAMEPOLICE REPORT#DATEVIOLATION

--NONE--

Subject: Liquor License Renewals for 2017 (Informational Only)

The Licensing Board herewith submits a report to you of all the Liquor License Renewals for 2017 by category and totals per.

Licenses classified as follows were issued and signed by the Board in the month of December 2016.

Common Victualler---All Alcoholic	86
Common Victualler---Wine & Malt (6 Days)	3
Common Victualler---Wine & Malt (7 Days)	15
General on Premise ---All Alcoholic	16
General on Premise---Wine & Malt (7 Days)	2
Clubs---All Alcoholic	24
Retail Package Stores---All Alcoholic	22
Retail Package Stores---Wine & Malt	15
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
TOTAL=186 (Net Gain +2)	

There were three (3) new licenses issued in 2016:

- ❖ **Dairy Mart (Tejendra, Inc. d/b/a), 4443 Acushnet Avenue (RPS W & M Only)**
- ❖ **Expo's (Kaitlyn Duarte d/b/a), 332 Brock Avenue (RPS W & M Only)**
- ❖ **Mutual (E Z Convenience & Gas, LLC d/b/a), 1800 Purchase Street (RPS W & M Only)**

There was one (1) license that was not renewed for 2017:

- ❖ **Premium Liquors (Vallas Enterprises, Inc. d/b/a), (RPS AA), 1926 Purchase Street, Licensee Decision**

There were 186 licenses issued for 2017 of which the following seventeen (17) licenses are currently inactive:

1. **Bar 908 (Times Square Restaurant, Inc. d/b/a) – CVAA – Re-Opening March 1, 2017**
2. **Columbus Group (Columbus Group, LLC d/b/a) – CVAA – License for Sale**
3. **Dublin's Sports Bar N Grille, LLC – CVAA – Business/License For Sale**
4. **Euphoria Lounge (Sapatinha Café, Inc. d/b/a) – CVAA – Renovations/Re-Opening February 1, 2017**
5. **Fortuna Grill (DeAbreu & Sons, Inc. d/b/a) – CV W & M – Transfer Pending W/ABCC
To: New Taipei, Inc. d/b/a Taipei Asian Cuisine, 37 Rockdale Avenue**
6. **Kirby's Irish Pub (JAKIBRI, LLC d/b/a) – CVAA – Sale Pending**
7. **Lebanese Kitchen (Nabih Moujabber d/b/a) – CV W & M – Sale Pending**
8. **Moby Dick Brewing Company, Inc. – CVAA – Ongoing Renovations/March Opening?**
9. **Pier 37 (P37, LLC d/b/a) – CVAA – Business/License For Sale**
10. **Portugal Verde Soccer Academy, Inc. – GOP W & M – Renovations**
11. **Pub P6T5, Inc. – GOP AA – Renovations**
12. **Royal II (Albert Santos d/b/a) – GOP – Business & License For Sale**

13. **Shooter's Pub (Jere A. Espejo d/b/a)** – GOP W & M - Business & License For Sale **(Re-Opened 01/13/17)**
14. **Trio Restaurant (161 Highland Avenue, Inc. d/b/a)** – CVAA – Business & License For Sale
15. **Union City (Ramon D. Silva Enterprises d/b/a)** – CVAA – License Only For Sale
16. **Vila Franca Rest. & Café (Vila Franca Do Campo, Inc. d/b/a)** - CVAA- Transfer Pending W/ABCC
To: Mi Antojo Mexican Restaurant (El Mexicano, Inc. d/b/a), 95-101 Rivet Street
17. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a)** – CVAA – Renovations/Re-Opening February 1, 2017

Note: There were 16 inactive licenses at the start of 2016.

- **NEXT TWO MEETING DATES:** February 27th & March 27th both on Mondays in Room 314 - **Confirmed**
- **MEETING ADJOURNED:** 8:10 p.m.