



Licensing Board

August 29, 2016 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

PRESENT: Steven A. Beaugard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner (Absent Due to Illness)

Edmund F. Craig, Jr., Commissioner

Atty. John A. Markey, Jr., Asst. City Solicitor

Lt. Joao Chaves, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New Wine & Malt License - Trans. # 231 – Plot # 8--36

Kaitlyn Duarte d/b/a Expo’s, who is petitioning as an individual for a **New Retail Package Store Wine and Malt Only Beverages License**. The proposed licensed premises is a convenience store located on the first floor of a three-story building in an area approximately 1,316 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 rooms for storage in the rear of the building. Alcohol will also be stored in the basement. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located at the rear of the building. The premise is situated on the east side of Brock Avenue, between Charles and Aquidneck Streets, and will be numbered **332 Brock Avenue**.

Final approval will require a ‘**Certificate of Inspection**’ from Inspectional Services.

Approved By ABCC – 07/25/16

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

Change of Officers & Directors - Trans. # 029 – Plot # 99—132

Casa Do Benfica No. 27, Inc., Jose M. Toledo, New President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Jose M. Toledo will be the President, David Fernandes will be the Vice-President, Michael Mendonca will be the Treasurer, and Jose Brasil will be the Secretary; and Vasco DaSilva, Joao Martins, and Paulo Cordeiro will all be Co-Directors. **Daniel Da Costa** will remain as the **Manager**. Premises will remain the same at **1484 Acushnet Avenue**.

Approved By ABCC – 08/03/16

Change of Officers & Directors - Trans. # 132 – Plot # 19-108-A

Loyal Order of Moose, Inc. d/b/a New Bedford Lodge, #914, David Jorge, (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 David Jorge will be the President, Jose Jorge will be the Vice-President, William McGee will be the Treasurer, and Danny Johnson will be the Secretary; and Derrick Cabral, Murray Gonzalez, Donald Andrade, Brian Chipelo, and Robert Bessette will all be Co-Directors. **Danny Johnson** will remain as **Manager**. Premises will remain the same at **119 Rockdale Avenue**.

Approved By ABCC – 08/11/16

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

Transfer of License - Trans. # 122 – Plot # 119-13

Kellie E. Moreau d/b/a Shooter’s Billiards, Kellie E. Moreau, Sole Owner, who is petitioning to **transfer a General on Premise Wine & Malt Only Alcoholic Beverages License** to **Jere A. Espejo d/b/a Shooter’s Pub**. Upon approval, **Jere**

A. Espejo will be the Sole Interest Holder and Manager. Premises will remain the same at 2112 Acushnet Avenue. Approved By ABCC – 08/11/16

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

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Altering of Premises/Change of Description - Trans. # 010 – Plot # 47--2

Sapatinha’s Café, Inc. d/b/a Euphoria Lounge, Jose Borges, Jr. President, who is petitioning to **Alter the Premises** and to **Change the Description** of the **General on Premise All Alcoholic Beverages License**. Upon completion of the renovations due to a fire, the existing location will consist of an area approximately 1,730 sq. ft., on the first floor of a one-story building, which will include one room with a bar and lounge area with seating for seventeen (17) patrons, a dining room with seating for forty-four (44) patrons, a kitchen (proposed), and two restrooms; with an additional storage area in the basement. The main entrance is located on the southeast corner of the building onto Acushnet Avenue; along with one (1) additional entrance/exit in the rear of the building into the parking lot. The premises is situated on the southeast corner of School Street and Acushnet Avenue, and numbered **289 Acushnet Avenue**.

Disapproved By ABCC – 08/03/16 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt
Application to be sent back to the ABCC “For Reconsideration”, only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved.

VOTED: To accept the application back from the ABCC, and to re-submit the application to the ABCC “for reconsideration”, only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

1. APPLICATION, Representation Required

Marion Institute, Inc., Robyn Branco, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Taste of September Fundraiser Event’ to be held within the **Low Tide Yacht Club and adjacent tented area**, located within **Fort Taber**; and to be held on **Thursday, September 15, 2016, from 5:30 p.m. until 8:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured)*

Present: Robyn Branco, Applicant

Responding to questions from Chairman Beaugard, Ms. Branco stated that liquor service would be provided on the deck off the adjacent tented area, and the alcohol would be contained within the building and the adjacent tented area and deck; and since this was a first time event, that they are anticipating around 70 – 100 attendees that evening; and that they were going to have a 4 piece Jazz Band as entertainment; and that the “Cocktail Guru” would be providing the alcohol.

Voted: Commissioner Craig made a motion to approve the petition as presented. – **Unanimous**

2. APPLICATION, Representation Required

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Play on Purchase Street’ event to be held **within an enclosed area on Purchase Street contiguous to the Pour Farm Tavern**, located at **780 Purchase Street**; and to be held on **Thursday, September 1, 2016, from 6:00 p.m. until 8:00 p.m.**

(Final approval will require Liquor Liability and a copy of the Police Detail Contract)

Present: Noah Griffith, Manager

When asked by Chairman Beaugard as to what his plans were for this event, Mr. Griffith responded, what we’re looking to do because of the closure of Purchase Street ... where they (City) plan on having bands and other types of entertainment ... to attract people and get them out to make downtown more friendly ... and to get people out during the week ... as part of this ... they’ve asked us to possibly have an outdoor drinking area ... so it would be a fenced off area ... clearly not taking up all of Purchase Street at all ... it’s just immediately outside of Pour Farm ... in an area about 20’ x 30’ feet ... and it would run from the Wing’s Court area to the front door of Pour Farm ... it would only be accessible by walking through our outside dining area ... so there’s no in and out from the outside door ... you won’t be able to get in and out by crossing over a rope or anything.

When asked by Chairman Beaugard as to what would stop anyone gaining access through Wing’s Court by coming through the Union Street side up to the Purchase Street side, Mr. Griffith responded, Wing’s Court would remain open but we have it blocked off coming from our outside dining area ... we’ll have our rope go around so that there will be a clear division.

When asked by Chairman Beaugard as to how far onto Purchase Street they planned on going, Mr. Griffith responded,

about 20 feet, just over the curb and over to the edge of Wing's Court; and it will be enclosed with a fence barrier. Mr. Griffith also stated that the Police Detail has already been organized and set up by the City of New Bedford. Mr. Griffith also stated that the City is also requesting an additional date of 09/08/16, which would have the same set up. Mr. Griffith stated that no alcohol would be served in the described outside area, and that it would only be used as a 'drinking area' with the alcohol being purchased either from the inside bar or ordered through staff that would be assigned outside.

Voted: Commissioner Craig made a motion to approve the petition as presented. – **Unanimous**

3. APPLICATION, Representation Required

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Belgian Beer'd Fest' to be held **within Wing's Court**, and to be held on **Sunday, October 9, 2016, from 12:00 p.m. until 7:00 p.m.**

(Final approval will require Liquor Liability and a copy of the Police Detail Contract)

Note: Event may extend into the street, pending City Council approval.

Present: *Noah Griffith, Manager*

When asked by Mr. Nanopoulos if the City Council had approved the street closing for this event, Mr. Griffith stated that they had, and that they planned on serving alcohol in the enclosed area relative to the street closing; adding that there would be a wrestling ring set up in front of the Pour Farm.

When asked by Chairman Beaugard if he was going to use the Wing's Court and Purchase Street, Mr. Griffith responded, no ... for this event ... we would only be using Purchase Street ... but if you don't approve the Purchase Street area ... we'll use the Wing's Court area as we have done in the past.

Chairman Beaugard stated that he would prefer if they used Wing's Court area as they have done in the past, to which Mr. Griffith responded, I do understand that and I don't have a problem doing it there ... we were just trying to do something different and see if it works out ... and if it doesn't work out ... again ... we don't have a problem doing it in Wing's Court ... but if we could try and do it on Purchase Street ... but unfortunately ... the whole street would have to be closed down ... but we're just looking for the area immediately in front of Pour Farm ... to the beginning of Crush ... that's a whole building away from No Problemo ... and I've spoken to Craig Paiva ... and he has absolutely no problem with it ... again, there would be clear division lines where the beginning and end of this is ... we would have a Police Detail.

Chairman Beaugard suggested that they plan on Wing's Court and let's see how the two previous events discussed go, and if we don't have any problems and we don't get any complaints from the neighbors; we can have another discussion in October ... but either way you're going to have it.

Voted: Commissioner Craig made a motion to approve the petition as presented with the stipulation that it may be amended in October to include Purchase Street. – **Unanimous**

4. PETITION - Trans. # 174 – Plot #18--107 (No Representation Required)

People's Super Liquor Store, Inc. d/b/a Douglas Wine & Spirits, John Haronian President, who is petitioning for a **Change of Director of the Retail Package Store All Alcoholic Beverages license**. The petitioner is requesting that the resignation of James W. Clarkin, Co-Director, who is currently on file with the Alcoholic Beverages Control Commission, be accepted; and that **Elizabeth Walker** be approved as the **new Co-Director**. Upon approval, John Haronian will remain as the President, Treasurer, Secretary, Co-Director, and Sole Interest Holder (100%); and **Elizabeth Walker** will be a **Co-Director**. Thorpe J. Doran will remain as the Manager. Premises will remain the same at **446 Dartmouth Street**.

(No Advertisement nor Abutters Notification Required)

Present: *No one was required to appear.*

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

5. PETITION - Trans. # 167 – Plot # 123--43 (No Representation Required)

New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, Jarod M. Santoro, President, who is petitioning for a **Change of Sole Director of the Retail Package Store All Alcoholic Beverages license**. The petitioner is requesting that the resignation of James W. Clarkin, Co-Director, who is currently on file with the Alcoholic Beverages Control Commission, be accepted; and that **Craig Power** be approved as the **new Sole Director**. Upon approval, Jarod M. Santoro will remain as the President, Treasurer, Secretary, and Sole Interest Holder (100%); and **Craig Power** will be the **Sole Director**. Kathleen Mello will remain as the Manager. Premises will remain the same at **500 King's Highway**.

(No Advertisement nor Abutters Notification Required)

Present: *No one was required to appear.*

Voted: Commissioner Craig 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 Craig made a motion to take item # 22 out of order, and to take up the matter at this time. – **Unanimous**

6. PETITION - Trans. # 094 – Plot # 106--85 (No Representation Required)

St. Michael Social Club, Inc., Joao Medeiros, 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, Joao Medeiros will remain as the President, Chris Pereira will be the (New) Vice-President, Rodolfo Botelho will remain as the Treasurer, and Luis Pacheco will remain as the Secretary; and Jose Soares, Paul Amaral, and Paulo J. Pacheco will all remain as Co-Directors. Joao Raposo, Joe Avelar, Jorge Amaral, Roberto Bento and Fernando Pacheco all have been added as “New Co-Directors”. **Joao A. Raposo** will remain as the **Manager.** Premises will remain the same at **101 Madeira Avenue.**

(No Advertisement nor Abutters Notification Required)

Present: *No one was required to appear.*

Mr. Nanopoulos informed the Board that this application that was before them was also for a Change of Officers and Directors, which would update the current list of officers and directors that are on file with the ABCC, per the Commission’s directive of 09/30/14; and that no representation was required, since the manager was staying the same.

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

7. Hearing: St. Michael Social Club, Inc. – “NO FURTHER ACTION REQUIRED”

Joao A. Raposo, Manager
101 Madeira Avenue

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

You have until **August 22, 2016** to submit an application for a **Change of Officers and Directors** that reflects your current slate of officers.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2016 Liquor License.** Depending on the Board’s decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

Present: *No one was required to appear.*

VOTED: Commissioner Craig made a motion to take no further action on Item #7, as a result of an application that was previously approved (see item # 6) – **Unanimous**

8. PETITION - Trans. # 031 – Plot # 23--9

161 Highland Avenue, Inc. d/b/a Trio Restaurant, 418-420 Rivet Street, is requesting the approval of **Paul T. Rodrigues,** who resides at **16 Belmont Street, Fall River, MA. as their new manager.**

Present: *Paul T. Rodrigues, Proposed New Manager*

Responding to questions from Chairman Beauregard, Mr. Rodrigues stated that he’s been a manager and owner of a restaurant for 20 years, and that there were no changes planned with regard to the day to day operation of the premises.

Chairman Beauregard stated that he had spoken with Mr. Rodrigues regarding a CORI issue, and that he felt comfortable in allowing the application to proceed forward.

Voted: On a motion by Commissioner Craig, 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. Rodrigues 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.

9. PETITION - Trans. # 019 – Plot # 53--68

Candleworks Ventures, LLC, Andrew F. Rockett, Manager of LLC, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Carmine's, NB, Inc. d/b/a Carmine's**. Upon approval, Albert Santos will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); **Jessica Cabral** is the **Proposed Manager**. The proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License to Baycoast Bank** with an address of **330 Swansea Mall Drive, Swansea, MA**. as security to authorize and execute a promissory note in the amount of **One Million, Six Hundred Sixty –Two Thousand, and Five Hundred Dollars (\$1,662,500.00), pursuant to Massachusetts General Laws Ch.138 s.23**. Premises will remain the same as follows: The licensed premise will consist of an area approx. 3,280 sq. ft., on the first floor of a four –story building, which will include a dining area and lounge area with a bar, and a kitchen; with two restrooms in the front foyer and an additional area, approx. 750 sq. ft., for the storage of alcohol in the sub-basement. There is also an outdoor patio area, approx. 870 sq. ft., for dining that is contiguous to the main dining room on the north side of the building that is accessible from the dining room. There is one entrance/exit in the front of the building that leads onto North Water St., along with an additional entrance/exit on the east side of the building that leads into the parking lot; and an additional entrance/exit from the patio area into the parking lot. Premise is located on the east side of North Water Street between Elm and Rodman Streets, and is numbered **72 North Water Street**.

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

Application has been advertised; Abutters notification not required

Present: Jessica Cabral, Proposed New Manager along with Luis DaSilva, General Manager

Responding to questions from Chairman Beaugard, Mr. DaSilva stated that the plan was to operate an Italian Restaurant, which would seat roughly 80-90 people with seating for 24 at the bar; along with seating for 12 in the coffee café and the balance of the seating in the dining room; and that they would be extending the current bar, and that they would be adding a café bistro area, which would be located within the current dining area.

When asked by Chairman Beaugard to describe the café bistro area further, Mr. DaSilva stated that it was basically a coffee shop with homemade cookies ... cannoli ... and that the hours would be no different than those hours for the restaurant.

When asked by Chairman Beaugard if they would be offering entertainment, Mr. DaSilva stated that there would not be any entertainment.

Responding to questions from Chairman Beaugard, Ms. Cabral stated that she worked in the industry for over 15 plus years, and that she's assisted in managing 5 restaurants, and that she was T.I.P.S. Certified and that all her staff would also be certified as well.

Voted: On a motion by Commissioner Craig 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. Cabral 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. #232 – Plot # 78--101

E Z Convenience & Gas, LLC d/b/a Mutual Mart, Hitesh Patel, Manager of LLC, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Hitesh Patel will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC. **Hitesh Patel** will also be the **Manager of the Liquor License**.

The proposed licensed premises is a convenience store located on the first-floor of a one-story building in an area approximately 2,200 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 rooms 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 on the south side of the building leading into the storage rooms, which will be used for deliveries only.

The premise is situated on the east side of Purchase Street, between Austin and Linden Streets, and will be numbered **1800 Purchase Street**.

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

Application has been advertised; Abutters have been notified.

Present: No one was required to appear.

Mr. Nanopoulos informed the Board that after notifying Atty. Fingliss that the hearing would be held with only two Board

Members due to the absence of Commissioner Almeida due to a sudden illness, Atty. Fingliss requested that the hearing on the petition be tabled until the October meeting, so that the application could be considered before a full board.

Voted: Based on Atty. Fingliss' request, the Board, on a motion by Commissioner Craig, **voted unanimously to table the matter to the Board's October meeting.**

11. PETITION - Trans. # 104 – Plot # 47--37

VVK Realty, LLC, Gregory Kulpinski, Manager of LLC, for a license currently issued at **1494-F East Rodney French Boulevard**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Moby Dick Brewing Company, Inc., who is also requesting a Change of Location.** Upon approval, David N. Slutz will be the President, Co-Director, and Co Shareholder (16.6%), Peter T. Kavanaugh will be the Treasurer, Co-Director, and Co-Shareholder (16.6 %), and Robert V. Unger will be the Secretary, Co-Director, and Co-Shareholder (16.6%), and Richard Lafrance, Maureen Sylvia Armstrong, and Randall T. Weeks, Jr. will all be Co-Directors and Co-Shareholders (16.6 % Each). **Richard Lafrance** will be the **Manager of the Liquor License.** The proposed new brew house will consist of an area approximately 4, 700 sq. ft. on the first floor of a two-level building (2nd Floor Not Included), which will include a Brewing Room, a Dining Area with Bar Area, a Conference/Private Dining Room, a Retail Store Area, Kitchen Area with Storage Area, an Office Area, and Four (4) Handicap Accessible Restrooms. The premises will have one (1) entrance/exit in the front of the building onto Union Street, one (1) entrance/exit onto South Water Street, and two (2) emergency/service exits in the rear of the building that lead directly into both the kitchen and storage areas. There will be additional storage in the basement. The proposed licensed premise is situated on the south side of Union Street, between JFK Memorial Highway, and will be **numbered 52 Union Street. (Final Licensing Board Approval Required Upon Completion of the Renovations)**

Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a copy of 'Proof of Liquor Liability'.

Application has been advertised; Abutters have been notified

Present: *Atty. Christopher Saunders, Representing Moby Dick Brewing Company, Inc.(Richard LaFrance was unable to attend as a result of being delayed from returning from Worcester due to traffic.)*

Responding to questions from Chairman Beauregard, Atty. Saunders stated that it his client's intention to open a brew house, and that they would be brewing their own beer on premise for which they've applied for state and federal permitting; and that this transfer is for a full liquor license, in addition to brewing and selling their own beer, this will allow them to sell commercial beer as well as having a fully stocked bar; also adding that it was primarily going to be a restaurant and as indicated in the application, there would be some entertainment but that would be secondary to the dining experience, adding this is not going to a nightclub. Atty. Saunders continued his remarks by stating, we're looking at a high end establishment where we're looking to compliment the "CORKS" of downtown; and our primary hours of operation will probably be 11 a.m. until midnight, depending on how the opening goes, and we'll be providing security as needed but we don't see a need for details; and I will note that I anticipate coming back here in a few months because I anticipate once the spring comes, we'll be amending our license to allow for outdoor seating. Atty. Saunders also stated that he does not anticipate them opening until March but they needed to secure an alcohol license at this time, since one was available. Atty. Saunders speaking on behalf of Mr. LaFrance stated, Mr. LaFrance has over 50 years of experience in this restaurant/hospitality business, and he hold several liquor licenses in the area as well as in New Hampshire; and that all his staff would be T.I.P.S. Certified.

Voted: On a motion by Commissioner Craig, the Board, **voted unanimously to approve the petition as presented** and to forward the application to the Alcoholic Beverages Control Commission for their approval.

12. Hearing: Panthers Athletic Club and Social Club, Inc.

Jeffrey W. Baker, Manager

43-45 Madeira Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations.

This hearing is being held as a result of your failure to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

You have until **August 22, 2016** to submit an application for a **Change of Officers and Directors** that reflects your current slate of officers.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2016 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

NOTE: An incomplete application was submitted on 08/18/16.

Present: Jeffrey W. Baker, Manager

Mr. Nanopoulos informed the Board that he requested that Mr. Baker has failed to submit a complete an application for a change of officers and directors, as a result of recent changes that were made to their corporation, which is required by the ABCC; which he failed to do since being notified back in July.

Upon discussing the matter with Mr. Baker, Chairman Beauregard instructed Mr. Baker that this needed to be submitted immediately. Commissioner Craig made a motion to table the matter for thirty (30) days to ensure that an application was submitted.

Board's Written Decision of 09/02/16:

Following the public hearing that was held on 08/29/16 as a result of your club's failure to submit a proper application to Change the Officers and Directors of your club, **the Board voted unanimously to table any action until its next meeting.** The Board took this action to allow you a sufficient amount of time to *eFile* the appropriate application to reflect any new changes.

Please contact Mr. Nanopoulos immediately to schedule a meeting so that he may assist you in preparing your application. Please be advised that your failure to submit an application in time for the next scheduled meeting (09/26/16) may result in your license being suspended until this matter is resolved.

Tabled on 07/25/16

13. Hearing: De Abreu & Sons, Inc. d/b/a Fortuna Grill

Mr. Manuel De Abreu Dos Reis, Owner/Manager

288 Union Street

Closed on 07/01/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your liquor license. Based on the findings as presented at the hearing, the Licensing Board may take action to revoke your license.

As previously notified, 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.* The regulation states that all 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.

Per our March 28, 2016 hearing, you indicated that the license had been sold and upon the signing of a purchase and sales agreement, you would begin the process of transferring the license. Based on this information, the matter was tabled until our May 23, 2016 hearing in which you failed to attend. Please be reminded that you have been granted seven (7) hearings with this board since the closure of your establishment in July of 2014.

At our March meeting, I indicated that you have been afforded ample opportunity to sell the license and strongly advised you to move this license accordingly to avoid this board from having to take an adverse action.

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.

Your failure to appear as requested will result in the automatic revocation of your license.

Written Decision of 07/25/16:

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, this Board, based on the information you provided in which you stated that you've agreed to sell your license, and that the license would remain at the same location, **voted unanimously to table the matter until this Board's August 29, 2016 meeting.**

An application for Transfer of License must be submitted as soon as possible but no later than Friday, August 26, 2016.

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

Your license has been inactive since July 1, 2014 and you have been afforded ample opportunity to take action. **We strongly advise that you apply immediately for a Certificate of Good Standing from the DOR and sign whatever transfer documents that require your signature**, to avoid our having to take revocation action.

Present: *No one was required to appear.*

Mr. Nanopoulos informed the Board that he was contacted by Atty. Peter Lim who informed him that there was a P & S in place, and that he would be submitting an application as soon as it's complete within the next 30-60 days.

Voted: On a motion by Commissioner Craig, the Board, **voted unanimously to remove the item from the table with no further action.**

Tabled on 09/21/15

14. Hearing: Vila Franca Do Campo, Inc.
d/b/a Vila Franca Restaurant Cafe
Mr. Carlos A. Santos, President
601 Second Street

Closed 08/28/15 – Licensee Decision

Prior Renewal Hearings: (1)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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

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

09/21/15 Decision

The Board voted unanimously to approve your renewal for 2016 and to table the matter until this Board’s June 27, 2016 meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until June 1, 2016 to initiate one (1) of the following three (3) options prior to this date:**

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

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

Minutes of 07/25/16 Meeting

Present: *Licensee did not appear as requested.*

Voted: **Due to the licensee’s failure to appear as requested the Board voted unanimously to table the matter to the Board’s August meeting.**

Present: *Carlos Santos, Owner*

Chairman Beauregard opened the hearing by informing Mr. Santos that he’s been closed for a year and a day, to which Mr. Santos responded that it was true.

Responding to further questions from Chairman Beauregard, Mr. Santos stated that he has someone interested in buying the license, and that he would need an additional 3 or 4 months to complete the process; and that Atty. Mathieu is working with the buyer to finalize the P & S.

Chairman Beauregard responded, that’s a long time to get a purchase and sales agreement done.

Mr. Nanopoulos recommended that the matter be tabled until the October meeting, at which time Mr. Santos must submit a P & S to the Board, with an application for transfer submitted in time for the November meeting; to which the Board agreed was fair and voted unanimously to follow the recommendation to table the matter until the October meeting.

Board’s Written Decision of 09/02/16:

Following the public hearing that was held on 08/29/16 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 2016 prior to this Board considering approval of your

2017 renewal application, the Board voted unanimously to table any action until its October meeting. The Board's decision was based on the information that you provided to the Board, in which you stated that you had someone interested in your license and that you needed additional time to finalize a P & S Agreement; the Board took this action to allow you a sufficient amount of time (60 Days) to secure a P & S, and a sufficient amount of time for the buyer to *eFile* the appropriate transfer application. Failure to take action on your license prior to this Board's October 24th meeting may result in the non-renewal of your license.

VOTED: Commissioner Craig made a motion to take up **Item #'s 15 - 20** at one time; waive reading; and approve the applications as presented – **Unanimous**

15. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '7th Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 27, 2016, from 6:00 p.m. until 11:00 p.m.**

****NO CHANGES, AS PREVIOUSLY APPROVED****

16. APPLICATION, (No Representation Required)

Centro – Luso American Club, Inc., John Tomasia, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Hawaiian Luau Cookout', to be held in the '**Club Parking Lot**', located at **34 Beetle Street**; and to be held on **Saturday, September 17, 2016, from 1:00 p.m. until 8:00 p.m.**

17. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Marianne Conley Hodgson, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '11th Annual New Bedford Seaport Chowder Festival', to be held on **Pier 3**; and to be held on **Sunday, September 25, 2016 from 12:00 p.m. until 5:00 p.m.**

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

18. APPLICATION, (No Representation Required)

South Coast Business Alliance, Nick Francis, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '10th Annual Oktoberfest Fundraiser' to be held within the **New Bedford State Pier Building**, located at **93 State Pier**; and to be held on **Saturday, October 1, 2016 from 3:00 p.m.**

until 11:45 p.m. (Last call will be at 11 p.m.) *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)*...****NO CHANGES, AS PREVIOUSLY APPROVED****

19. APPLICATION, (No Representation Required)

Fort Taber/Fort Rodman Historical Association, Joseph Langlois, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Appreciation Dinner for Volunteers' to be held at the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Friday, October 14, 2016, from 5:00 p.m. until 9:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured*

20. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc., Michelle Gomes, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Howl Halloween Party' to be held within the **Buttonwood Park Zoo**; and to be held on **Thursday, October 27, 2016, from 7:00 p.m. until 10:00 p.m.**

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

21. APPLICATION, (Change of Ownership)

Eusebio Famania, who resides at **23 Sycamore Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Famania's Auto Sales & Service**, with premises situated at **699 Brock Avenue**.

Note: Site is currently licensed to **Dave A. Rego d/b/a Dave's Auto Sales**, whose license must be surrendered upon approval; site has been previously approved for the display of **Twelve (12) cars** by the **Office of Inspectional Services**.

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

Present: Eusebio Famania, Applicant along with his wife

Responding to questions from Chairman Beauregard, Mr. Famania stated that he had no prior experience in running a car lot but he's worked at Joe's Auto on Rivet Street for the past 4 years where he's gained valuable experience, as well as the other dealerships that he owns; he also stated that he's worked for Bob's Discount, where he's been a manager for three years; adding that he came across some money and he thought this would be a good opportunity for himself to open up his own dealership.

Responding to further questions from Chairman Beauregard, Mr. Famania stated that he would be doing his own repairs on site, and that he loves cars and that he's been building cars since he was ten; and that he wouldn't be taking in any cars in trade.

Chairman Beauregard warned Mr. Famania, as you heard when the Board told Mr. Furtado earlier, who's located right down the street from you, we don't want to see any junk or dismantled cars on the lot, and we don't want to see any auto body work or painting being done on the premises; to which Mr. Famania responded, you're not going to see that on my lot.

Commissioner Craig informed Mr. Famania that the current language in the lease is illegal and not acceptable to the Board with regard to allowing Mr. DeMelo to have access to his license to go to auction; and stated that a new lease with language omitted would have to be submitted to the Board prior to issuance of the license, if the Board was to approve the application tonight.

Mr. Famania stated that Mr. Nanopoulos had already brought that to his attention and a new lease was being drawn up.

VOTED: Commissioner Craig made a motion to approve the application as presented for the display of twelve (12) cars with the stipulation that a new lease be submitted to the Licensing Board office, which eliminates any language regarding the use of the license by the property owner. – **Unanimous**

22. Hearing: Furtado's Auto Sales & Service

Mr. Simon Furtado, Licensee

805 Brock Avenue

Your presence is requested at a hearing due to your failure to maintain your premises in accordance with requirements of a Motor Vehicle Class II license. Based on the findings, the Licensing Board may take action to revoke your license.

The hearing is being held at the request of the Commissioner of Buildings because of your failure to comply with their request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved.

It has also been reported that body work and painting of cars are being performed outside and in the evenings.

Be advised, all licensees must maintain a facility dedicated to carrying out said business and all licensees must adhere to all conditions of the issued license.

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License.** Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

Present: Simon Furtado, Licensee along with his wife Maria Furtado: Danny Romanowicz, Commissioner of Buildings along with James Pappas, Area Inspector

Following a lengthy discussion with Mr. Furtado along with input from Mr. Romanowicz and Mr. Pappas, Commissioner Craig in addressing the condition of his car lot stated, it's not fair to the neighborhood and it's not fair to the people who are doing it the right way; adding, if it's not cleaned up in thirty (30) days and you come in and say the same thing, your license will be gone. Commissioner Craig made a motion to table the matter for thirty (30) days.

Board's Written Decision of 09/02/16:

Following the public hearing that was held on August 29, 2016 at the request of the Commissioner of Buildings as a result of your failure to comply with his request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved, **the Board voted unanimously to table any action until its September meeting.**

The Board took this action to allow you a sufficient amount of time (30 Days) to come into compliance with those conditions that are required to maintain a facility dedicated to carrying out said business (Used Car Dealer). All licensees must adhere to all conditions of the issued license.

This Board strongly recommends that you contact and meet with Danny Romanowicz, Commissioner of Buildings, to ensure that you fully understand what is expected of you in order for you to be in full compliance prior to this Board's September 26th meeting, at which you must appear at 7:00 p.m. in Room 314.

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License.** Depending on the Board's findings, you may be required to surrender your license until this matter

is resolved.

Note: After conferring with Mr. Romanowicz, Mr. Furtado was also instructed to immediately surrender his current license, which is currently issued for forty (40) cars; and that a new license would be re-issued to him for the display of twenty cars (20), as a result of the number of cars having been reduced by Inspectional Services on 09/18/14, which was authorized by James Berube.

23. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub
Phillip C. Beard, Manager/Owner
672-674 Pleasant Street

Your presence is requested at a hearing to determine whether you may have violated provisions of ABCC and Licensing Board Rules and Regulations. The Board will also review other complaints filed with this office as it pertains to possible late night disturbances and public safety. Based on their findings, the Licensing Board may take action to modify or suspend your license; and if warranted, a roll back of hours may be considered. They are as follows:

Violations: Alcoholic Beverages Control Commission 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, this includes the use or sale of illegal narcotics.

Note: Indications of illegal narcotics use include persons making frequent trips in and out of the premises, or in or out of the restrooms, persons who receive a large number of phone calls or who are visited at the premises by an unusually large number of people at frequent intervals or persons who appear to be making exchanges of small packages or payment of money – Guide to M.G.L., ABCC.

Licensing Board Regulation No. 10, 11, 12, 14, & 19-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; 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. Sales of beverages to be taken off the premises are prohibited, unless the premises are licensed as a package store. 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 Incidents and Concerns

This office has received several Police reports (as referenced below) regarding incidents involving highly intoxicated patrons and disturbances on or about your premises resulting in patrons being assaulted and open container violations; as well as possible incidents of serving after hours and drug activity on or about the premises.

Based on the number of complaints received as listed below, it has become necessary for a hearing to be held to review any possible liquor and safety violations:

Ref. #16 – 1489 – AR - 05/31/16 @ 12:23 a.m. - Assault on a Law Enforcement Officer

Ref. #16 – 7520 – OF - 06/21/16 - Disturbance/Man Assaulted

(Follow-Up Investigation & Charges)

Ref. #16 – 1781 – AR - 06/22/16 @ 4:10 p.m. - Open Container Violation

Ref. #16 – 1897 – AR - 06/30/16 @ 1:29 p.m. - Open Container Violation

Ref. #16 – 8021 – OF - 07/01/16 @ 8:52 p.m. - Disturbance/ Patron Related/Stabbing

Ref. #16 – 8077 – OF - 07/03/16 @ 2:09 a.m. - Serving to Intoxication/Serving After Hours

Ref. #16 – 1982- AR - 07/07/16 @ 10:27 p.m. - Serving to Intoxication

Ref. # 16 – 21339- AR - 07/20/16 @ 9:43 p.m. –Possible Drug Activity on Premises

Police Call Log (Since 01/22/16):

- Disturbances (21)
- Drunk Disturbing (3)
- Fight in Progress (2)
- Direct Patrol (5) – Since 06/17/16

Present: No one was required to appear.

Mr. Nanopoulos informed the Board that Atty. (John) Walsh asked for the matter to be tabled until the September meeting due the fact that he was unable received the relevant Police Reports in order to review them prior to the meeting.

Voted: On a motion by Commissioner Craig, the Board voted unanimously to table items 23 & 24; until the Boards

September meeting.

24. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub
Phillip C. Beard, Manager/Owner
672-674 Pleasant Street

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 incidents reported by the N.B. Police Department.

This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

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

• **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman **Dated -06/27/16 Received -06/30/16**
Re: Loyal Order of Moose, Inc. d/b/a N. B. Lodge #914 **119 Rockdale Avenue**

Notice of Hearing Date: Tuesday, July 26, 2016 @ 3:00 p.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows:

204 CMR 2.05 (1) – Permitting Gambling;

204 CMR 2.05 (2) – Permitting an illegality on the licensed premises to wit; M.G.L. CH. 140, sec. 177A (6) – No Person keeping or offering for operation, or allowing to be kept or offered for operation, any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

Date of Alleged Violation: Friday, February 26, 2016 at approx. 1:00 p.m. (ABCC Investigation & Hearing)

DECISION: The Commission suspends the license for a period of five (5) days of which two (2) days will be served, and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines. **Suspension to be served on 10/05/16 & 10/06/16**

ACTION TAKEN: Received & Placed on File.

• **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. United Fisherman Club	#16 – 9108 – OF	07/24/16	Fight/Underage Persons (Approximate Time of Violation 1:36 a.m.)

ACTION TAKEN: To Be Reviewed At Next Meeting.

2. Tony's Bar & Grill	#16 – 2495 – AR	08/20/16	Disturbance/Fight Inside of Bar (Approximate Time of Violation 12:46 a.m.)
	#16 – 2495 – AR	08/20/16	Disturbance/Fight Inside of Bar (Approximate Time of Violation 12:46 a.m.)

ACTION TAKEN: To Be Reviewed At Next Meeting.

- **NEXT TWO MEETING DATES:** September 26th & October 24th both on Mondays in Room 314 - **CONFIRMED**
- **MEETING ADJOURNED:** 7:55 p.m.