



## *Licensing Board*

September 26, 2016 – 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. John A. Markey, Jr., Asst. City Solicitor  
Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.  
Capt. Derek Belong, Station #1  
Nick Nanopoulos, Director

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

#### **Altering of Premises - 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**.

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

**Approved By ABCC – 08/30/16**

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

#### **Change Of Officers, Directors, Stockholders, d/b/a, Transfer of Stock, & Pledge of License - Trans. # 116 – Plot # 60--26**

**Route Six Properties, Inc. d/b/a Temptation, Steven M. Camara, President**, who is requesting a **Change of Officers, Director, (New) Stockholder, and the Transfer of Corporate Stock** of the **Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the President, Treasurer, Secretary, and Sole Director; and to allow the transfer of all his Corporate Stock (100%). The proposed transferee is also requesting a **Change of d/b/a to Club Déjà Vu and a Pledge of the Common Victualler All Alcohol License** to **Steven Camara** with an address of **1134 American Legion Highway, Westport, MA.** as security to authorize and execute a promissory note in the amount of **Five Hundred Thousand Dollars (\$500,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**.

Upon approval, Kelvin Ortiz will be the President, Treasurer, Secretary, Sole Director, Sole Stockholder (100 %); and **Kelvin Ortiz** will remain as the **Manager. Premises will remain the same at 161 Pope’s Island.**

**Approved By ABCC – 09/01/16**

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

#### **Transfer - - Trans. # 020 – Plot # 42--272**

**Royal Food & Beverage Company, Inc. d/b/a Royal II, Manuel J. Escobar, President**, who is petitioning to **transfer a General on Premise All Alcoholic Beverages License** to **Albert Santos d/b/a Royal II**. Upon approval, **Albert Santos** will be the Sole Owner and **Manager. Premises will remain the same at 123 MacArthur Drive.**

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 – 08/30/16**

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

## DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

### Transfer of License - Trans. # 169 – Plot # 36--140

**Lobo's Lounge, Inc. d/b/a Washington Square Package Store, Jose A. Lobo, President**, who is petitioning to **transfer a Retail Package Goods Store All Alcoholic Beverages License to Expo's Liquors, Inc. d/b/a Expo's Liquors.**

Upon approval, **Kyle Duarte** will be the President, Treasurer, Secretary, Sole Director, Sole-Shareholder, and **Manager**. Premises will remain the same at **281 County Street**.

**Disapproved By ABCC 08/26/16 - Failure to Comply With Mass Tax Laws (DUA) – 1<sup>st</sup> Attempt**

**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. PETITION - Trans. #110 – Plot # 19--48

**Howland Mills Restaurant, Inc. d/b/a The Sky Room, John E. Williams, President**, currently licensed for premises located at **651 Orchard Street**, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Vault, LLC d/b/a Greasy Luck Brewery**, who is also requesting a **Change of Location to 791-797 Purchase Street**. Upon approval, Alfred C. Peters, Christian A. Farland, and Mark A. Martinho will all be Co-Members, Co-Managers, and Co-Interest Holders (33.3%) of the LLC. **Mark A. Martinho** is the **Proposed Manager of the Liquor License**.

The new proposed licensed premises consists of an area approximately 9,200 sq. ft. on the first floor of a two - story building, which will have one room that will include a brewery room, bar area, tables for dining, and two (2) handicap accessible restrooms; there will also be a second room that will be subdivided by a portable petitioned wall that will serve as a dual function room and arcade/lounge area, which will include a second bar area, tables for dining, a performance stage, two (2) private dining rooms (vaults), arcade lounge area, two (2) rooms for storage, and two (2) handicap accessible restrooms. The first floor area will also include a full service kitchen. There will also be an area for the storage of alcohol in the basement. The licensed premises will have two (2) entrances/exits in the front of the building onto Purchase Street, and an emergency exit located on the southwest corner of the building. The premises is situated on the west side of Purchase Street, between Union and William Streets, and will be **numbered 791-797 Purchase Street**.

Final approval will require a **‘Certificate of Inspection** from the Building Department, a **‘Food Permit’** from the Health Department, and a signed **‘Fire & Building Certificate’** as required under the Chapter 304 Fire Acts Compliance; along with a copy of **‘Proof of Liquor Liability’**.

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

**Present:** *Mark Martinho, Proposed Manager/Co-Owner along with Al Peters and Christian Farland, Co-Owners; the following spoke in favor: Olivia Farland & Kathy Dehner; Farther Allen Wharton spoke not in opposition but had questions with regard to future plans.*

Responding to questions from Chairman Beauregard, Mr. Martinho stated that the plan is to open a micro-brewery with four brewing tanks, which will be visible from the Purchase Street side ... there will be a 70 seat area in which pub style food will be served, and that area on the right side will be our every day operation area ... and on the left side, that's where our entertainment/function area will be located ... which will have seating for an additional 60 patrons on the busier nights ... and that space will also serve as a music/event space for a cocktail party or those kind of things.

When asked by Chairman Beauregard if there would be any entertainment planned regularly on the pub side of the establishment, Mr. Martinho stated they may have some acoustic or low key type of entertainment on Wednesday and Thursday nights ... maybe some electric on the pub side as well ... maybe two or three people.

When asked by Chairman Beauregard as to what type of entertainment they were planning to have on the entertainment/function area side of the establishment, Mr. Farland stated that there was a stage on that side ... and that they would be offering both acoustic and electric style entertainment ... adding that the stage was 12' x 16' ... and that was large enough to accommodate 6 to 8 musicians max I would say ... adding that the back wall where the entertainment will be ... abuts the Market Street Alley, which is a public way ... not the Chapel ... also adding that they have already done sound tests in that area ... and it meets the zoning requirements as far as sound that vibrates outside the building ... you hear almost nothing ... and due to the fact that it was previously a bank ... so in the way it was made ... the sound does not carry well ... and we tested it at a very high level.

With no further questions from the Board, Chairman Beauregard then opened up the hearing for public input by asking if there was anyone present to speak in favor of the petition to which several people indicated that they wanted to be recognized.

First to be recognized was Olivia Farland, who stated that she thought it was a great addition to the City of New Bedford, and she thought it would cater to an older crowd with live music, as well as a place to meet friends.

Next to be recognized was former City Councilor Kathy Dehner, who stated that she thought it was a great idea because a

lot of focus has been on the lower National Historic Park Area, and that this would connect a restaurant that will be outstanding to the rest of the downtown area, and create a loop that will help bring attention to the other businesses in the upper area.

Chairman Beauregard then asked if there was anybody else who wished to speak in favor or be recorded in favor, upon hearing and seeing none; Chairman Beauregard then asked if there was anyone present who wished to speak or be recorded in opposition, there was one response. Chairman Beauregard then recognized Father Allen Wharton (Our Lady's Chapel) who stated that he was not here to speak in opposition to what's being proposed.

Father Wharton stated that his concern was with regard to some future plans that were mentioned in a newspaper article, which stated that they planned to expand up to the roof top area, which would be used for outdoor seating with a bar. Father Wharton stated that the chapel is the residence for those that are part of the Order that operates and maintains the chapel, and that he has some concerns that's going to interfere with our lifestyle and our mission and objective with being downtown.

Chairman Beauregard informed Father Wharton that the area is not on the plans that are being considered tonight, therefore, the Board could not address those concerns here tonight; but if they were going to move in that direction in the future, they would have to submit plans and that they would have to notify the chapel once again of the meeting; at which point, the Board would consider your concerns.

Mr. Farland also responded to Father Wharton's concerns by stating, for the record ... for tonight ... we're only looking for approval for the first floor area ... but certainly we have talked about potentially next summer ... opening up a rooftop deck ... but that's something we'll certainly discuss with Father Wharton at the appropriate time with some possible limitations.

Atty. Markey also reconfirmed what was stated but Chairman Beauregard with regard to them being notified of any changes or expansion beyond what's being approved here tonight; he may want to do some other things but they cannot do anything without those changes being advertised and you being notified, as well as receiving approval from this Board and the ABCC.

Father Wharton concluded his remarks by stating that he understands the process that was explained, and added, that as far as tonight's proposal is concerned, he has no opposition as long as the noise does not become an issue.

In light of the questions, even though they clearly stated that they had no opposition to the Greasy Luck Brewery, raised by the folks associated with Our Lady's Chapel, the Board's decision on the Greasy Luck Brewery license clearly incorporates a finding that "after a hearing that the premises is not detrimental to the spiritual activities of said church."

Chairman Beauregard once again asked if there was anyone present who wished to speak or be recorded in opposition, upon hearing and seeing none, he closed the hearing and called for a vote.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to approve the petition as presented**, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Espejo 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.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove item #7 from the table; and to take up the matter at this time.**

*Tabled at 08/29/16 Meeting*

**2. 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: Atty. Joseph P. Fingliss along with Hitesh Patel, Applicant.**

Responding to questions from Chairman Beauregard, Atty. Fingliss stated the following on behalf of his client: my client is

the current owner of Dartmouth Wine & Spirits right near UMass Dartmouth, where he's been in business for five years ... he runs a very good business ... he's had no violations ... no incidences ... which is important since he's located next to UMass Dartmouth ... his policy is more restrictive than what the state requires ... his policy is that he only accepts in-state licenses, which can be scanned on his machine and those licenses cannot fool the machine such as can be done with out of state licenses ... and that policy will also be implemented at this location, if approved.

Atty. Fingliss continued his comments by stating, he's looking to apply for a wine and malt license ... in an area that is heavily populated but does not have an abundance of liquor licenses in the area ... there is one all alcohol retail package store location in the immediate area ... but it's currently closed and out of business ... if you go north on Purchase Street ... the closest one is Costa's Gas on Sawyer Street ... which is .6 miles away ...so there's a lack of licenses in the area to satisfy the needs of the public in that area ... I'm aware of the Board's concerns with regard to having a congestion of licenses in a certain area ...

But I think the public need is currently not being met in that area.

Chairman Beauregard informed Atty. Fingliss that there's still an alcoholic retail package store license assigned to 1926 Purchase Street, although it is currently closed; to which Atty. Fingliss responded, but at the present time it's not operational, and we're looking for a wine and malt only license to help supplement his current business, and we respectfully request that you approve his wine and malt license.

**VOTED:** On a motion by Commissioner Almeida the Board *voted in the majority* (Chairman Beauregard voted nay )to approve the application and to forward the application to the Alcoholic Beverages Control Commission for their approval with the following stipulations:

That the licensee completes an Alcohol 'Server Certification' course **within Thirty (30) Days after final approval is received or prior;** and proof of his certification be provided to this office; and that all his employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed.

### **3. PETITION - Trans. #093 – Plot # 106—185 (No Representation Required)**

**Panthers Athletic and Social Club, Inc., Joseph Oliveira, 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, Joseph Oliveira will remain as the President and a Co-Director, Jeffrey Baker will be the Vice-President and a Co-Director, Louis Leblanc will remain as the Treasurer and a Co-Director, Karen Kimball will be the Secretary and a Co-Director, and Russell Baker will remain as a Co-Director; and Tracy Pina, Alberto Andrade, and Jason Pina will all be Co-Directors. Jeffrey W. Baker will remain as the Manager. Premises will remain the same at **43-45 Madeira Avenue.**

*(No Advertisement nor Abutters Notification Required)*

**Present:** *No one was required to attend.*

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

### **4. Hearing: Jalice Café, Inc.**

**Mr. Derick Pina Goncalves, Owner/Manager**  
**1468 Acushnet Avenue**

Your presence is required at a hearing to determine whether you have violated certain provisions of City of New Bedford Ordinance Sec.10 – 45.

The City of New Bedford Treasurer/Collector of Taxes has requested that the Licensing Board hold a hearing regarding your Common Victualler (Restaurant) All Alcoholic Beverages Liquor license due to non-payment of personal property taxes.

Your current **tax title balance of \$21,370.85** has not been addressed since your last payment on November 30, 2015. Additionally, you have an outstanding **tax bill in the amount of \$9,548.07 for FY16 & FY17,** for which a payment has not been made since December 29, 2015; there is also an **outstanding amount of \$1,325.08 on your water bill.** Based on these findings, the Licensing Board could possibly take action to modify, suspend, revoke, or cancel your license.

Failure to appear at this hearing will result in the automatic suspension of your license until this matter is resolved or an immediate revocation of your license as so determined by this Board.

I would strongly suggest that you contact Blair Bailey, Tax Title Attorney for the City of New Bedford, to meet with him to resolve this issue of delinquent taxes.

**Present:** *Mr. Goncalves was excused from attending.*

Mr. Nanopoulos informed the Board that Mr. Pina had come in and made a payment of \$10,000.00, and that Atty. Bailey

has requested that the matter be tabled to the Board's December meeting, to ensure that the licensee continues to make his payments prior to issuing his liquor license for 2017.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to table item 4; until the Board's December meeting.**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove the item 5 from the table; and to take up the matter at this time.**

**Tabled on 07/25/16**

**5. Hearing: Portugal Verde Soccer Academy, Inc.**

**Mr. Isaias M. Furtado, Manager**  
**424 Nash Road**

**Approved on 12/09/15 – Never Opened**  
**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.

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.

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.

**07/25/16 Decision**

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 voted unanimously to table the matter until this Board's September meeting.**

The Board's decision was made to allow you two 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 contact 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 may result in a hearing on the revocation of your license.

***Present: Isaias Furtado, Owner; Danny Romanowicz, Commissioner of Buildings along with James Berube, Area Inspector***

Upon discussing the matter at length with Mr. Furtado with input from Mr. Romanowicz and Mr. Berube, **the Board voted unanimously to once again table the matter to the Board's October meeting.**

**Board's Written Decision of 10/03/16**

As a result of the open hearing held on September 26, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board's October meeting.**

The Board's decision was made to allow you one (1) more month 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 may result in a hearing on the revocation of your license.

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

**Tabled on 07/25/16**

**6. Hearing: Nabih Moujabber d/b/a Lebanese Kitchen**

**Mr. Nabih Moujabber, Licensee**  
**1487-1489 Purchase Street**

**Closed 07/12/14 – Renovations (Fire)**  
**Prior Renewal Hearings: (7)**

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.

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 07/25/16 Meeting**

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, **voted unanimously to table the matter until this Board’s September 26, 2016 meeting, at which you must appear.**

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 you must take action with 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-for, 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 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 “Automatic Revocation” of your Common Victualler Wine & Malt Only Beverages License.

**Present: Mr. Moujabber did not appear as requested**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to table item 6; until the Board’s October meeting.**

**7. Hearing: Dublin’s Sports Bar N Grille, LLC d/b/a Dublin’s Sports Bar N Grille**

**Mr. Mario Gomes, Owner/Manager**  
**1686 Acushnet Avenue**

**Re: Licensing Board Regulation # 20 – Closed Premises**

It has come to the attention of this office that you have closed your business located at **1686 Acushnet Avenue**; therefore, 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.

**Licensing Board Regulation No.20-**

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

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.

*You are also required to deliver your liquor license to this office within Five (5) days from the date of receipt of this notice, where it will be held until this matter is resolved.*

**Present: Mario Gomes, Owner**

Upon discussing the matter at length with Mr. Gomes, and taking into consideration the information that the licensee provided to the Board, the Board **voted unanimously to table any action regarding this matter until the Board's November meeting.**

**Board's Written Decision of 10/03/16**

As a result of the information that you provided to the Board, this Board voted unanimously to table any action regarding this matter until the Board's November meeting.

You provided the following hours of operation to the Board, which the Board expects you to comply with as a condition of the Board's decision:

Monday – Closed	Friday – 1 p.m. until 12 a.m.
Tuesday – Closed	Saturday – 1 p.m. until 12 a.m.
Wednesday – 1 p.m. until 7 p.m.	Sunday – 1 p.m. until 9 p.m.
Thursday – 1 p.m. until 12 a.m.	

Please be advised that this notice has been forwarded to Station # 3, and that patrols have been asked to monitor your establishment to ensure that you are complying with the hours of operation that you submitted to this Board.

Furthermore, please be advised that you will be required to appear before this Board on November 21, 2016, to once again discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal.

**VOTED:** Commissioner Craig made a motion to take up **Item #'s 8 - 14** at one time; waive reading; and approve the applications as presented – **Unanimous**

**8. APPLICATION, (No 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 15, 2016, from 6:00 p.m. until 8:00 p.m.**

**\*\*Event set up was approved at 08/29/16 meeting.\*\***

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

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

**New Bedford Art Museum, Jennifer Almeida, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Opening Exhibit' event to be held at the **New Bedford Art Museum, located at 608 Pleasant Street;** and to be held on **Friday, October 7, 2016, from 6:00 p.m. until 8:00 p.m.**

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

**Carl Lee Pacheco Memorial Trust Fund, Jeffrey Coutinho, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion, located on Madeira Avenue;** and to be held on **Saturday, October 8, 2016 from 5:00 p.m. until 11:00 p.m. \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**Group Folkloric Madeirense, Michael Canastra, Representative** who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion, located on Madeira Avenue;** and to be held on **Saturday, October 15, 2016 from 6:00 p.m. until 11:45 p.m. \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

New Bedford Economic Development Council (NBEDC), **Derek J. Santos, Director**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Annual Meeting' to be held at the **Buttonwood Park Zoo – Classrooms 1 & 2**, and to be held on **Tuesday, October 25, 2016, from 4:30 p.m. until 6:30 p.m.**

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

**Spinner Publications, Inc., Susan Grace, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a '35<sup>th</sup> Anniversary Fundraiser' to be held at the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Saturday, November 5, 2016, from 4:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured.*)

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

**New Bedford Art Museum, Jennifer Almeida, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Holiday Party' event to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, December 2, 2016, from 5:00 p.m. until 9:00 p.m.**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to take item 18 out of order; and to take up the matter at this time.**

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove the item 15 from the table; and to take up the matter at this time.**

*Tabled at 08/29/16 Meeting*

**15. 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 Maria Furtado (Spouse); along with Danny Romanowicz, Commissioner of Buildings along with James Pappas, Area Inspector.*

Upon discussing the matter at length with Mr. Furtado **the Board voted unanimously to once again table any action until its November meeting.**

**Board's Written Decision of 10/03/16**

Following the public hearing that was held on September 26, 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 once again table any action until its November meeting.**

The Board took this action to allow you an additional amount of time (45 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 November 21<sup>th</sup> 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.



**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to remove the items 16 & 17 from the table; and to take up the matter at this time.**

*Tabled at 08/29/16 Meeting*

**16. 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: Atty. John Walsh along with Phillip Beard, Owner/Manager; Capt. Alan Belong along with Capt. Steven Vicente, Liaison to the Licensing Board.**

Prior to the start of the hearing, Chairman Beauregard stated that he was recuse himself from participating in the hearing as he has done in the past, as a result of his association with Mr. Beard in his other position as Director of the Housing Authority.

Upon discussing the issues at length with Mr. Beard on complaints reported to this Board by the N.B. Police Department,

**the Board voted unanimously to receive the complaints and place them on file.**

**Board's Written Decision of 10/17/16**

Per your recent hearing regarding possible violations of ABCC and New Bedford Licensing Board Rules & Regulations on complaints reported to this Board by the N.B. Police Department; as well as those concerns expressed by Capt. Belong on behalf of the city, this Board, upon listening to testimony from those present to testify on behalf of the licensee, as well as considering the information provided by Capt. Belong regarding his observations, as well as his review of his Officer's Police Reports and of the Police Call Log, found no evidence of any liquor license violations at this time; and therefore, **the Board voted unanimously to receive the complaints and place them on file.**

Prior to making his motion, Commissioner Craig stated the following:

Maybe we can use this whole hearing as an educational moment... and now that you know that Capt. Belong wants to work with you ... and it's obvious to me that through your attorney ...that you want to work with the Police Department...all of these incidents ... there could be a suspicion ... but there's nothing to indicate that anything took place inside ... could something have happened ... and could a trained Police Officer think so in a certain way ... yes ... but is there any evidence that anything happened inside ... even the issue of intoxication ... you have a guy coming out ... but you don't know when he went in ... you don't know what his condition was when he went in ... so I think in the future ... listen to his suggestions (Capt. Belong) ... I've personally observed people in that general one block area ... it's just not there ... but that happens to be the gathering spot ... the only thing I can suggest is that you try to keep aware of the fact that you don't want any drug dealers ... if you're not there ... you need to make your manager aware of the fact that you don't want anybody doing anything they shouldn't be doing ... and if you or your manager suspect someone is doing something they shouldn't be doing ... then you need to contact Capt. Belong immediately ... so I would suggest that you give him a call so you can work with each other ... I think everybody wants this to work.

Although the Board took no action regarding these complaints, the Board would like to take this opportunity to advise you of the following ABCC and New Bedford Licensing Board Regulations:

**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 premise, 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.).

Please be forewarned, any further complaints regarding any issues that were discussed at this hearing, will result in yet another hearing before this Board, which may result in the suspension or in the reduction of hours of your license, until such a time as these matters are addressed in a manner acceptable to the Board.

*Tabled at 08/29/16 Meeting*

**17. 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 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 - )

**Action Taken: NONE**

**18. Hearing: Clube Ponta Delgada, Inc. – “LATE FILE”**

**Mr. Eric Stephens, President**  
**61-65 Madeira Avenue**

Your presence is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws and Licensing Board Rules and Regulations; as well as your failure to contact this office as a result of several messages left with the club bartender. Failure to comply with this notice may result in the Licensing Board taking action to suspend your license until this matter is resolved.

**MGL Chapter 138, sections 12, 23-**

An application must be filed to obtain approval from the local licensing authorities and the ABCC for a change of officers, directors, and manager.

**Licensing Board Regulations No. 6-**

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.

**Present: Eric Stephens, President, Alan Mello, Vice-President, and Kristen Fiano, Treasurer**

Mr. Nanopoulos informed the Board that an application had been submitted with incorrect information, and that the request for them to appear was to ensure that they complied in a timely manner in providing the corrected information; and that this matter has been pending for at least two months, during which time the club has failed to respond to requests to contact the office to address these issues.

Mr. Nanopoulos also stated that once the current application is approved, the club must submit an application for a change of manager, since Mr. Gibau has been removed as the proposed manager as stated on the application.

**Action Taken:** Upon discussing the matter with those present, the Board took no action but did instruct those present that they needed to follow up with Mr. Nanopoulos; along with a warning that if they did not comply in a timely manner, they would be called before the Board once again, at which time their license could be suspended until this matter is resolved.

• **CORRESPONDENCE**

**From: Kim S. Gainsboro, ABCC Chairman** **Dated –09/15/16** **Received –09/23/16**  
**Re: Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol Club** **736** **Ashley**  
**Boulevard**

**Re-Scheduled Hearing Date:** **Wednesday, September 14, 2016 @ 9:30 a.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: **M.G.L. CH. 138, sec. 23 – Sale of alcoholic beverages other than those purchased from a licensee under sec. 18 or sec. 19 or from a holder of a special license under sec. 22A.**

**Date of Alleged Violation: Thursday, February 18, 2016 at approx. 9:20 p.m.** **(ABCC Investigation & Hearing)**

**DECISION:** Based on the evidence the Commission finds the Licensee violated M.G.L. C. 138 sec. 23 – Sale of alcoholic beverages other than those purchased from a licensee under sec. 18 or sec. 19 or from a holder of a special license under sec. 22A. As the licensee has been in business for more than 75 years and has had no previous violations, the commission issues a **WARNING.**

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

**From: Atty. Elizabeth A. Lonardo, TD Bank, N.A.** **Dated –08/31/16** **Received –09/07/16**  
**Re: Vallas Enterprises, Inc. d/b/a Premium Liquors** **1926 Purchase Street**  
**Motion For Extension Of Service Date** **Filed In Trial Court of MA. Superior Court Dept. Bristol County**  
**Plaintiff TD Bank, N.A. (“the Bank”) through counsel, hereby moves that the Court enter an order extending the 90 day deadline of August 24, 2016 to serve the Defendant Vallas Enterprises, Inc. to October 7, 2016.**

**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.)
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 – 2497 – AR	08/20/16	Disturbance/Fight Inside of Bar (Approximate Time of Violation 12:46 a.m.)

**\*\*No Action at 08/29/16 Meeting\*\* - To Be Further Reviewed**

**Decision: Bring for a Hearing on 10/24/16**

3. Tony’s Bar & Grill	#16 – 2749 – AR	09/10/16	Serving To Intoxication (Approximate Time of Violation 1:19 a.m.)
4. Tony’s Bar & Grill	#16 – 2848 – AR	09/18/16	Serving To Intoxications/ Allowing Patrons to Leave W/Alcohol (Approximate Time of Violation 1:46 a.m.)
5. Tony’s Bar & Grill	#16 – 2849 – AR	09/18/16	Serving To Intoxications/

**Decision: Bring for a Hearing on 10/24/16**

(Approximate Time of Violation 1:46 a.m.)

6. Slainte	#16 – 11794 - OF	09/16/16	Disturbance/Patron Assaulted Intoxicated Patrons/Failure to Check I. D.’s On Day of Service (Approximate Time of Violation 12:55 a.m.)
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**Decision: Receive & Place On File with a Warning Letter**

- **NEXT TWO MEETING DATES:** October 24<sup>th</sup> & November 21<sup>st</sup> both on Mondays in Room 314 - **Confirmed**
- **MEETING ADJOURNED:** 8:35 p.m.