



Licensing Board

September 21, 2015 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

REQUIRED: Steven A. Beauregard, 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.

Nick Nanopoulos, Director

“FINAL AGENDA”

MOTION TO ACCEPT THE MEETING MINUTES OF August 24, 2015

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Altering of Premises - Trans. # 016 – Plot # 93--11

European Café, Inc. d/b/a Café Europa, Peter Ferreira, President, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor seating area approximately 320 sq. ft. (32’ X 10’), which will be used as a ‘Sidewalk Café’ to be used for ***seated dining purposes only***. The enclosed area, which will be enclosed with a removable lattice-look fence with post and base, approximately 38.5” high, will include Eight (8) tables for the seating of Thirty-Two (32) patrons and umbrellas for shading; and will be located on the west side of the building, which is contiguous to the licensed premises.

The outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by ‘Hostess Seating’ only; the area will also be monitored by the hostess and waitstaff at all times. There will also be an additional exit that leads to the front door of the establishment. The hours of operation will be **daily (Monday thru Saturday) from 10:00 a.m. until 10:00 p.m. and from 12:00 p.m. until 8:00 p.m. on Sundays, at which time all outdoor activity must cease, and shall be in effect from May 1ST through October 30th**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The premise is situated on the southeast corner of Holly Street and Acushnet Avenue and will remain numbered **1248 & 1256 Acushnet Avenue.**

Approved By ABCC – 08/27/15

Transfer & Change of Location - Trans. # 104 – Plot # 12--77

Calypso Hospitality, LLC d/b/a Seafire Grillhouse & Bar, Margaret Kulpinski, Manager of LLC, formerly exercised on premises located at **72 North Water Street**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **VVK Realty, LLC**. Upon approval, **Gregory Kulpinski** will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC; as well as the **Manager of the Liquor License**. Upon completion of the renovations, the ‘formally’ licensed premises will consist of an area approximately 6,100 sq. ft. on the first floor of a two-level building (2nd Floor Not Included), which will include a dining room with seating for 106 patrons, a lounge area with a bar and seating for 86 patrons, sushi/raw bar area, kitchen area with walk-in freezer, office, a multiple storage room area with a walk-in cooler, and two (2) handicap accessible restrooms. The licensed premise will also include a raised outside deck with an outside bar, approximately 3,000 sq. ft. which will be contiguous to the rear of the building; the deck will be accessible from

both the restaurant and the rear parking lot, and will include a handicap public access ramp of the south side of the deck. The premises will have one entrance/exit in the front of the building, two (2) emergency exits in the rear of the building, and delivery entrances directly into both the kitchen and storage areas. The licensed premise is situated on the east side of E. Rodney French Boulevard between Norman and Frederick Streets, and will be **numbered 1494-F East Rodney French Boulevard.**

(Final Licensing Board Approval Required Upon Completion of 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**’.

Approved By ABCC – 08/28/15

Change of D/B/A - Trans. # 094 – Plot # 106—85

Sugar & Pico, Inc., Jose Matos, President, is requesting a **Change of d/b/a from Sugar Daddy’s Campino Lounge to ‘The Camp’;** premise will remain the same at **821 South First Street.**

Approved By ABCC – 08/31/15

Change of Officers & Directors - Trans. # 085 – Plot # 93--210

Portuguese American Athletic Club of Greater New Bedford, Inc., Arlindo Moura, (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, Arlindo Moura will be the President and a Co-Director, Manuel dos Santos will be the Vice-President and a Co-Director, Jose Ribeiro will be the Treasurer and a Co-Director, and Antonio DaCosta will be the Secretary and a Co-Director; and Ernesto Santos, Jose Ramos, Joao Marcal, and Jose Ferreira will all be Co-Directors. Premises will remain the same at **56 Holly Street.**

Approved By ABCC – 09/10/15

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officers & Directors - Trans. # 073 – Plot # 25--88

IBPOE, Elks d/b/a William H. Carney Lodge #200, Roosevelt Hunter, (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, Roosevelt Hunter will be the President, Donald Gomes will be the Treasurer, and Algie Wheatley will be the Secretary; and Billy R. Graham, Russell Ramos, and James Bargasse will all be Co-Directors. Premises will remain the same at **159 Mill Street.**

Disapproved By ABCC – 09/09/15 - 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.

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

Casa Do Benfica No. 27, Inc., Manuel S. Bernardo, (new) President, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Manuel S. Bernardo will be the President, Octavio Pereira will be the Vice-President, Edson Pereira will be the Treasurer, and Franco M. Vieira will be the Secretary; and Augusto Fernandes, Jose Fernandes, Roberto Amaral, Daniel Da Costa, and Francisco Vala will all be Co-Directors. The ‘club’ is also requesting the approval of **Daniel Da Costa,** who resides at **319 Query Street, N.B., MA. as their New Manager.** Premises will remain the same at **1484 Acushnet Avenue.**

Disapproved By ABCC – 09/09/15 - 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.

Change of Officers, Directors, & Manager - Trans. # 141 – Plot # 25-A-25

Young Cape Verdean Athletic Association, Inc., Donald S. Soares, New President, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Donald Soares will be the President and Vice President, Renee DePina will be the Treasurer, and Andrea Barrett will be the Clerk; and Bonaventura J. Barboza, III, Paul L. Massey, Jr., and Lasheene R. Shawders will all be Co-Directors. **Liberio R. DeMello** is the **Proposed New Manager**. Premises will remain the same at **418 South Front Street**.

“Returned No Action” – 09/08/15 – Incorrect Information on Application – 1st Attempt

Application to be sent back to the ABCC “For Reconsideration”; only upon submission of corrected forms.

1. PETITION - Trans. # 167 – Plot # 123--43

New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, 500 King’s Highway, is requesting the approval of **Kathleen Mello**, who resides at 4801 North Main Street, Unit 209, Fall River, MA. **as their new manager**.

2. PETITION - Trans. # 194– Plot # 102--128

Ransan Rotisserie, Inc. d/b/a Braza Rotisserie, Randy R. Cardoso, President, license currently issued for use at **566 Pleasant Street**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine and Malt Only Beverages (7 Day) License** to **Portugal Verde Soccer Academy, Inc.**

The proposed transferee is also requesting a **Change of Location to 424 Nash Road; as well as a Change of License Type from a ‘Restaurant Wine & Malt Only’ license to a ‘General on Premise Wine & Malt Only’ license**. Upon approval, **Isaias M. Furtado** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder, and **Manager**. The proposed new licensed premise consists of a 20,000 sq. ft. area within a one-story building, which will operate as an indoor soccer facility. The area will include a snack bar, office, storage room, two restrooms, and an indoor soccer area with bleacher seating for approximately 60 patrons.

Alcohol will be served from the snack bar area. The premises is situated on the south side of Nash Road between Church and Mt. Pleasant Streets, with the main entrance/exit located in the front of the building that leads into the parking lot; with four (4) emergency exits (one (1) each on the north and south side of the building and two (2) in the rear of the building), and is numbered **424 Nash Road**.

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

Tabled at 02/23/15 Meeting

3. Hearing: Ransan Rotisserie, Inc. d/b/a Braza Rotisserie

Mr. Randy R. Cardoso, Owner

566 Pleasant Street

Closed 12/31/13 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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 Common Victualler Wine & Malt Only Beverages License.

Minutes of 01/21/15 Meeting

Present: Randy R. Cardoso, Owner

Based on the information provided to this Board regarding a pending application related to the soccer club on Nash Road, the Board voted unanimously once again to table the matter, until the Licensing Board’s February 23, 2015 Meeting.

Minutes of 02/23/15 Meeting

Present: Randy R. Cardoso, Owner; Atty. Michael Medeiros who represents Isaiah Furtado, Prospective Buyer

Atty. Medeiros stated that he’s been engaged by Mr. Isaiah Furtado, who’s an individual that owns Portugal Verde Soccer Academy, Inc. located at 424 Nash Road; who is going to be a prospective buyer of this liquor license.

Atty. Medeiros stated that he’s been given some specifics about the deal but I have not had an opportunity to put together a purchase and sales agreement; but I anticipate doing so within the next thirty days.

Chairman Beauregard informed Atty. Medeiros that the Board has had some issues with Mr. Furtado in the past, and that the Board would have to take a close look at the application, if one is submitted.

Atty. Medeiros stated that he would address the Board’s concerns regarding prior issues with Mr. Furtado, and that they would be mindful of that prior to going forward; and added that the only reason he was present was to explain the nature of the discussion between this individual and my client.

Chairman Beauregard advised Mr. Cardoso that he should keep looking for a buyer just in case this deal doesn’t materialize, although Atty. Medeiros stated that his client was committed to the deal; and that he would work with his client to address any concerns the Board may have.

Voted: On a motion by Commissioner Almeida, the Board voted unanimously to table the matter to the May Board meeting.

Minutes of 07/27/15 Meeting

Present: Licensee was excused from attending.

Mr. Nanopoulos informed the Board that a transfer application was in the process of being prepared to transfer the license to the soccer facility on Nash Road, therefore, he notified Mr. Cardoso that his presence was not required at this meeting; but he would have to appear at the August 24th meeting.

ACTION TAKEN: --None--

Minutes of 08/24/15 Meeting

Present: Licensee was excused from attending.

Mr. Nanopoulos informed the Board that a transfer application was in the process of being prepared to transfer the license to the soccer facility on Nash Road, therefore, he notified Mr. Cardoso that his presence was not required at this meeting; but he would have to appear at the September 21st meeting.

ACTION TAKEN: --None--

Item #'s 4 & 5 are Related Petitions

4. PETITION - Trans. # 083– Plot # 53--102

Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, license currently issued for use at **29 Union Street**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine and Malt Only Beverages (7 Day) License** to **DNB, LLC d/b/a DNB Burgers**. Upon approval, **Amelia G. Ruvich and Joshua M. Lemaire** will both be **Co-Members, Co-Managers, and Co-Interest Holders (50% ea.)**. **Amelia G. Ruvich** is the **Proposed Manager** of the **Liquor License**. The proposed new licensed premises will consist of an area, approximately 996 sq. ft., on the first floor of a three - story building, which will include a dining area with counter and table seating for approximately twenty (20) patrons; the area will also include a kitchen area, a storage room, and one (1) unisex bathroom. There is one entrance/exit in the front of the building that leads onto Elm Street, 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 kitchen into a common area, which will be used by staff and for deliveries only. Premise is located on the south side of Elm Street between North Water and Bethel Streets and is numbered **22 Elm 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

5. PETITION - Trans. # 151 – Plot # 53—198C

JAMA, LLC d/b/a Major League Burgers, Jane A. Magan -Askew, Manager of LLC, license formerly exercised on premises located at **914 Mt. Pleasant Street**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Cultivator Shoals, Inc. d/b/a Cultivator**. Upon approval, **Jason P. Lanagan** will be the President, Secretary, Co-Director, and Co-Shareholder (50%); and, **Howard L. Mallowes** will be the Treasurer, Co-Director, and Co-Shareholder (50%). **Jason P. Lanagan** is the **Proposed Manager**. The (previously approved) licensed premises will consist of an area approximately 553 sq ft on the first floor of a three story building, which includes one (1) dining room with table seating for approximately Ten (10) patrons, and a bar with seating for six (6) patrons, along with an enclosed kitchen area. The licensed premises will also include two (2) handicapped restrooms, a prep area, and a secured walk-in cooler for liquor storage located in an adjacent first floor common area. (No alcohol shall be consumed in this area.) There is one handicapped accessible entrance/exit on the west side of the building onto Union Street along with an emergency only exit in the front of the building also onto Union Street, and an additional exit in the rear of the building. Premise is located on the north side of Union Street between Front and Water Streets, and will be numbered at **35 Union Street. (Re-numbered from 29 Union Street per City of N.B. Engineering Dept.)**

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

6. PETITION - Trans. # 163 – Plot # 110--14

Prutha, Inc. d/b/a Central Liquors, Nileshkumar M. Patel, President, who is petitioning to transfer a **Retail Package Store All Alcoholic Beverages License** to **JALARM, Inc. d/b/a Central Liquors**, who is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License** to **Webster Bank** with an address of 609 West Johnson Avenue, Cheshire, CT. as security to authorize and execute a promissory note in the amount of **Two Hundred & Fifty Thousand Dollars (\$250,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23.** **Divyesh Patel** is the President, Treasurer, Clerk, and Sole Shareholder (100%), Sole Director; and the **Proposed New Manager**. Premises will remain the same at **1847 Acushnet Avenue**.

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

Application has been advertised; Abutters Notification was not required.

7. Hearing: Whaling City Club, Inc. – APPLICATION AMENDED - NEW MANAGER SUBMITTED

Denis F. Paim, President
447 Belleville Avenue

Based on this decision of 08/24/15 to disapprove your application for a change of officers, directors, and manager, your presence is required at our next meeting. Please be advised that you have until September 11, 2015 to submit paperwork for a new manager in order to complete your pending application. Your failure to comply with this order will find you in violation of the regulations which may require the board to take action. **Please have your license with you at the next hearing.** I strongly suggest that you contact Mr. Nanopoulos so that he may instruct you as to what is required to complete your application **by the September 11th deadline.**

8. PETITION - Trans. # 040 – Plot # 99 - 132

Whaling City Club, Inc., Denis F. Paim, (new) President, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Denis F. Paim will be the President, Adriano V. Lopes will be the Treasurer, and Jaslyn S. Sweetman will be the Secretary; and Antonio Santo and Deodato Santo will be Co-Directors. The 'club' is also requesting the approval of **Dorothy L. Andrews,** who resides at 17 Adams Street, N.B., MA. as their **New Manager.** Premises will remain the same at **447 Belleville Avenue.**
(No Advertisement nor Abutters Notification Required)

Tabled at 07/27/15 Meeting

9. Hearing: Andrew Dahill Post #1531, Veterans of Foreign Wars of the U.S— NEED DOR CERTIFICATE

Patrick M. Flinn, Manager
477 Park Street

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 comply with the June 1st deadline to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

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 2015 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.

Minutes of 06/22/15 Meeting

Present: Patrick M. Flinn, Manager/Treasurer

Responding to questions from Chairman Beauregard, Mr. Flinn stated, I took over as the Treasurer on the 7th of this month ... we were on a payment plan with the Department of Revenue ... but the previous person didn't keep up with that ... I've been in touch with Mr. Michel Flinn with the DOR ... I received a packet today with the exact amount that we owe ... \$62,000.00 ... however ... some of the money has been paid ... this should be resolved in about a week ... at which time they'll issue me the DOR Certificate.

When asked by Chairman Beauregard as to the amount that they actually owe, Mr. Flinn stated, probably about in the \$42,000.00 range ... it sounds like a lot of money ... but we do about \$250,000.00 a year ... roughly ... and there are also issues with two individuals which I'm doing an audit on ... regarding missing money ... but

we do have a bond on the individuals ... if it is missing ... we have a bond for \$50,000.00 for recovery. When asked by Chairman Beauregard as to how many members do they have, Mr. Flinn responded, we have about 138 members with about another 60-70 associate members, and that about 120 of the 198 are active members.

When asked by Chairman Beauregard as to when he anticipated he would have his DOR Certificate, Mr. Flinn responded, if I can work up the paperwork this week ... and submit it next week ... I should have it within 30 days.

VOTED: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue by the June 1st deadline to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to complete their application; with the stipulation that if the application is not complete by July 20th, the licensee must appear before the Board at its July 27th meeting to surrender their license. – Unanimous**

The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. **within five (5) days of receipt of notice with a copy submitted to this office. (If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)**

Minutes of 07/27/15 Meeting

Present: Atty. Edmond Sylvia along with Patrick Flynn, Manager

ACTION TAKEN: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.

Tabled at 06/22/15 Meeting

10. PETITION - Trans. # 111 – Plot # 64--325 (No Representation Required)--CLUB

Andrews-Dahill Post #1531, Veterans of Foreign Wars of the U.S., Wallace Houtman, (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, Wallace Houtman will be the President, Peter Gonzalez will be the Treasurer, and Patrick M. Flinn will be the Secretary; and Rodney J. Quinn, Robert A. Holt, Jose M. Dias, Jose F. Alymeda, and Orlando C. Ocano will all be Co-Directors. Premises will remain the same at **477 Park Street. (No Advertisement nor Abutters Notification Required)**

Minutes of 06/22/15 Meeting

VOTED: Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue, which is required to complete to their application; Commissioner Almeida made a motion to **table the matter until such a time that said certificate is submitted to complete the application. – Unanimous**

Tabled at 07/27/15 Meeting

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

Mr. Jose G. Borges, Jr., Owner

289 Acushnet Avenue

Closed/Fire 01/26/15 – Ongoing Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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 All Alcoholic Beverages License.

Minutes of 07/27/15 Meeting

Present: Jose Borges, Jr., Owner/Manager

Responding to questions from Chairman Bearegard, Mr. Borges stated that the establishment was undergoing some renovations due to a fire that occurred in January; and that he bought the building from his father and that he would be doing a transfer of license and change of license type, which would be all in his name only.

When asked by Chairman Bearegard as to when he planned on being up and running, Mr. Borges stated that there have been delays waiting for plans and windows, and that there has already been 7 months of construction that has been completed.

When asked by Chairman Bearegard if he’s been in contact with Mr. Romanowicz (Commissioner of Buildings), Mr. Borges responded, the Building Department stopped us completing the renovations because they were lowering our capacity to 49 patrons because we took the double doors out in the front of the building based on his architect’s opinion that it wasn’t needed; and when I did, the Building Department said, I’m going to drop your capacity down to 49 based on that change. Mr. Borges added that his architect stated that he didn’t need double doors if his capacity was fewer than one hundred, but based on what the Building Department told him, his plans were being revised to add double doors on the rear entrance/exit of the building.

Chairman Bearegard then referenced the plans that were currently before the Board, which were provided by Mr. Borges, which showed the double doors on the north side of the building on School Street, to which Mr. Borges stated, we submitted a plan where the door is now with the only difference being that the door got wider because of the double doors.

In discussing the matter of where the doors were located, there was some confusion between the plans that were being referenced by Chairman Bearegard, and the plans being referred to by Mr. Borges.

Chairman Bearegard voiced his displeasure with the main entrance now being in the back of the building, since that’s where the double doors would now be located, and that neither the Board nor Mr. Romanowicz would have approved that change; adding, if you just went ahead and said, I’m not going to put it on the north side ... I’m just going to put it in the back of the building.

Mr. Borges responded, that’s not what happened ... what happened was ... the door that was going to be on the School Street side ... just didn’t work ... I changed what the Building Department told me to change; and added, I didn’t want it back there either, that’s what they were asking for.

Chairman Bearegard suggested to Mr. Borges that he have a conversation with Mr. Romanowicz regarding the location of the doors, due to the fact that the plans that were presented to the Board show something different to what’s there now.

Mr. Nanopoulos clarified the matter by stating that the plans being referred to by Mr. Borges were never approved by the Board, and that there was now a new set of plans the Board has not seen, since they have not been submitted to the Board for approval, as of yet. Mr. Nanopoulos also informed Mr. Borges that he needed to submit the application for transfer and change of license type as soon as possible, which should include the final plans approved by the Building Department.

Chairman Bearegard strongly recommended to Mr. Borges, that no further work be done regarding the doors until such a time that plans have been submitted to Mr. Romanowicz and to this Board, and they’ve been approved by both departments.

VOTED: The matter was tabled to the Board's August meeting, on a motion by Commissioner Almeida. –

Unanimous

Present: *Licensee did not appear as requested.*

The Board instructed Mr. Nanopoulos to re-notify Mr. Borges for September 21st meeting.

ACTION TAKEN: --None--

NOTE: In attendance were Danny Romanowicz, Commissioner of Buildings, and Mr. William Whalen, who's currently the owner of the abutting parking lot, which is contiguous to the property owned by Mr. Borges to the south and west of the building. At the request of Chairman Beauregard, both Mr. Romanowicz and Mr. Whalen agreed to address any concerns that they or the Board may have regarding the ongoing renovations as a result of a fire earlier in the year. The discussion was limited to the changes in means of egress to the building.

*****09/21/15 - Rec'd Copy of a P & S Agreement for the sale of the property and liquor license; licensee was informed that an application for transfer must be submitted by October 26th; and that the matter would be tabled to November.**

Tabled of 03/23/15 Meeting

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

Mr. Manuel De Abreu Dos Reis, Owner/Manager

288 Union Street

Closed 07/01/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015.

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.

Minutes 03/23/15 Meeting

As a result of the hearing to determine the status of your liquor license, this Board voted unanimously to put you on notice of the following:

That as the holder of an inactive license, you are hereby notified that you have until **September 1, 2015** to initiate one of the following three options:

- 1.) To be open and operating at the approved location as stated on your license;
- 2.) Submit paperwork for a change of location and a date certain for the opening at the new restaurant;
- 3.) Submit paperwork for the sale and transfer of the license to a new owner.

As discussed, your failure to initiate one of these three options will require you to appear before this Board at our September meeting at which time the Board will take action to cancel (revoke) your license for non-use as allowed under Ch. 138, sec. 77. (*The licensing authorities may, after hearing or reasonable opportunity therefore, 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.*)

It is the opinion of the Board that we have accorded you sufficient time to either be open and operational or locate an acceptable buyer. The fact remains, this license has not been active since it was returned to this office

on July 1, 2014 and it's now considered to be a pocket license, which is prohibited per the Alcoholic Beverages Control Commission's directive dated October 1, 2004.

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.

13. 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

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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 Common Victualler All Alcoholic Beverages License.

14. APPLICATION, (No Representation Required)

The Trustees of Reservations, Ross Moran, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Private Members Event Fundraiser', to be held at the **Allen Haskell Public Gardens**, , located at **787 Shawmut Avenue**; and to be held on **Saturday, September 19, 2015 from 4:00 p.m. until 7:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured.*)

****Re-Scheduled from 08/22/15****

15. APPLICATION, (No Representation Required)

Friendly Sons of St. Patrick, Bruce Oliveira, Treasurer, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Rededication Reception ', to be held at the **Irish Monument**, , located at **1478 East Rodney French Boulevard**; and to be held on **Sunday, September 20, 2015 from 1:00 p.m. until 5:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured.*)

16. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'VIP Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Friday, September 25, 2015, from 6:00 p.m. until 11:45 p.m.**

17. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Manuel Da Fonte, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Harvest Dinner' to be

held at the 'Club', located at **2056 Acushnet Avenue**; and to be held on **Saturday, September 26, 2015 from 6:00 p.m. until 11:00 p.m.**

18. APPLICATION, (No Representation Required)

New Bedford Area Chamber of Commerce, Rebecca Laliberte, Communications Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Business After Hours', which will be held at the **Buttonwood Park Zoo** on **Thursday, October 1, 2015 from 5:30 p.m. until 7:30 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured.)*

19. APPLICATION, (No Representation Required)

Group Folkloric Madeirense, Michael Canastra, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Saturday, October 3, 2015 from 6:00 p.m. until 11:45 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

20. APPLICATION, (No Representation Required)

Carl Lee Pacheco Scholarship Fund Committee, Chanda 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 10, 2015 from 6:00 p.m. until 11:00 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

21. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'VIP Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Saturday, October 10, 2015, from 6:00 p.m. until 11:45 p.m.**

22. 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 'Great Pumpkin Beer Fest' to be held **within Wing's Court**, and to be held on **Sunday, October 11, 2015, from 12:00 p.m. until 6:00 p.m.**

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

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

23. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'VIP Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Tuesday, October 13, 2015, from 6:00 p.m. until 11:45 p.m.**

24. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'VIP Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Sunday, October 25, 2015, from 11:00 a.m. until 11:45 p.m.**

25. Hearing Nuno's Auto Center, Inc.

Mr. Nuno M. Barreira, Licensee

413 Ashley Boulevard

Your presence is requested at a hearing to be held in this office because of 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 stop performing motor vehicle work outside as well as your less than respectful interactions with the Building Inspector assigned to your area.

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.

26. APPLICATION, *Special Permit Required From City Council*****

Saed Dib, who resides at **414 Birchwood Drive, North Providence, R.I.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License for Clear Auto Sales 2, Inc.**, with premises situated at **832 Rockdale Avenue**.

Note: Applicant is also the holder of a Class II license located at **297 Belleville Avenue (Clear Automotive, Inc.)**.

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

27. Meeting: Candleworks Ventures, LLC

Mr. Andrew F. Rockett, Manager of LLC
72 North Water Street – 3rd Floor

Your presence is requested at a meeting to determine the status of your pending Purchase and Sale Agreement with Tane Corporation d/b/a Octane Sports Bar for the purchase of their Common Victualler All Alcohol license, which was signed in June of 2014; as well as to update the Board as to what your plans are for the transfer of said license.

Issue Summary

- On August 6, 2015, I sent the following by e-mail to your legal counsel:
“Please be advised that your client has no legal rights to this license until such a time as an application for a transfer has been approved by the local licensing authority and the ABCC. The Board tabled the renewal hearing on this license until the Board’s November meeting; be advised, **if the Board chooses not to allow the renewal by the current license holder or if the current license holder chooses not to sign the renewal or pay the renewal fee, the license ceases to exist.** I would strongly urge your client to submit an application for a transfer to the Seafire space in his name for the September meeting, which must be submitted by Sept. 1st, if he has not found someone to use the license at that location, which would give him the legal rights to the license moving forward and would start the clock again on the license. This has been ongoing far too long, and it has put the license at risk of being lost to the city but the city cannot condone a license being inactive for so long, as it sets an unacceptable precedent going forward. The ABCC monitors the status of inactive licenses, and they have a policy against “pocket” licenses.”
- Upon being contacted by Atty. John Markey, Asst. City Solicitor, Atty. Peabody e-mailed the following response back to me, also on August 6, 2015:
“Nick – I will have my client call you directly. We had planned to transfer the license to the new restaurant tenant, but they decided to not pursue the Candleworks location.”
- On August 20, 2015, I followed-up with this e-mail to your legal counsel:
“Please be advised that I have not had any contact with anyone regarding this issue. I would like to give fair warning to those involved, if this matter is not resolved prior to November 1st, this license may not be renewed

by the Board. This license has been inactive for far too long, at the very least, it should be transferred to the Seafire space in Mr. Rockett's name. Allowing a license to be inactive this long sets a bad precedent, and one that we don't want to go back to after getting it under control several years ago."

- Atty. Peabody e-mailed the following response to me, also on August 20, 2015:

"Fair warning Nick, I have been advised that my client (Mr. Rockett) will be in direct communication with you."

- This office has yet to be contacted nor has an application been submitted.

Your failure to file the appropriate paperwork has necessitated that you be called in for a hearing regarding this matter.

Tabled at 08/24/15 Meeting

28. Hearing: Route Six Properties, Inc. d/b/a Temptation

Mr. Steven M. Camara, Manager/Owner

161 Pope's Island

Your presence and that of **Paul Vasconcelos** is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission (ABCC) Regulations and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to suspend your license until this matter is resolved.

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 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; immediate notice of the appointment must be made to the Board in writing.

This hearing will focus on the control and operations of the licensed premises, as well as your failure to comply with Mass. Tax Laws; and your failure to submit certain documents to complete your application for a Change of Manager, which was returned by the ABCC on 05/27/15. The Board is deeply concerned that you have failed to address those issues in a timely manner.

- **CORRESPONDENCE**

From: United Credit Services, Inc.
09/18/15

Dated -09/16/15

Received -

Re: Lobo's Lounge, Inc. d/b/a Washington Sq. Package Store

281

County Street

Lien/Hold on Liquor License

This establishment owes J. Polep \$11,263.54, and requests that a lien or hold be placed against the liquor license for renewal or transfer until this debt is paid off.

****LATE FILE****

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Tilia's Café & Restaurant	#15 – 11055-OF	08/29/15	Disturbance/Patrons Assaulted/ Ordinance sec. 15-96 Violation (Approximate Time of Violation 2:18 a.m.)

*** LATE FILES***

- Friendly Liquors #15 – 12102-OF 09/19/15 Serving Intoxicated Person
(Approximate Time of Violation 9:17 p.m.)
- Temptations #15 – 12063-OF 09/19/15 Disturbance/Patron Stabbed
(Approximate Time of Violation 2:12 a.m.)
- Jalice Café Assaulted #15 – 12062-OF 09/19/15 Disturbance/Patron
(Approximate Time of Violation 1:44 a.m.)
- Sixth Bristol Social Club Assaulted #15 – 12110-OF 09/20/15 Disturbance/Patron
(Approximate Time of Violation 1:35 a.m.)

- **NEXT TWO MEETING DATES: Monday, October 19th & Monday November 16th both in Room 314**

- **MEETING ADJOURNED:**