



Licensing Board

January 20, 2015 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

Tuesday, January 20, 2015
Room 314 – 7:00 p.m.

REQUIRED: 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.

Nick Nanopoulos, Director

1. PETITION - Trans. #102 – Plot # 93-180

Gilberto, Inc. d/b/a Atlantis Café & Restaurant, Gilbert M. Ferreira, President, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Rookies Bar & Grill, Inc.** Upon approval, Jacinto (aka Jesse) Camara will be the President, Co-Director, and Co-Shareholder (50% Joint Shares), Ana M. Camara will be the Treasurer, Clerk, Co-Director, and Co-Shareholder (50% Joint Shares), and Jesse Camara, Jr. will be the Vice-President, Co-Director, and Co-Shareholder (50%); and Jesse Camara, Jr. is also the **Proposed New Manager**. The previously approved premise consists of two rooms, with a kitchen, bar, and two restrooms on the first floor, with stock in the basement of a four-story building. There are two entrances and exits in the front of the building, which is situated on the east side of Acushnet Avenue between Sawyer and Holly Streets. The premises will remain numbered **1218 Acushnet Avenue**.

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

Application has been advertised.

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

The Sky Room, Inc. d/b/a The Sky Room, Audrey Carter, President, who is requesting a **Change of Officers, Director, Stockholder, Manager, and Transfer of all the Corporate Stock** of the **Common Victualler All Alcoholic Beverages License**. Audrey Carter is petitioning to allow the transfer of all her corporate shares, and to accept her resignation as President, Treasurer, Secretary, Sole Director, Sole Stockholder, and Manager in the corporation. Upon approval, **Jade Lin Traore** will be the President, Treasurer, (New) Sole Director, (New) Sole Shareholder (100%), and the **New Manager**; and Dennis Vieira will be the Secretary. The premises will remain the same at **651 Orchard Street**.

Application has been advertised.

3. 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 Membership Lounge Fundraiser”; to be held in the **“Penler Space”**, located at **686 Purchase Street**; and to be held on **Sunday, January 11, 2015, from 12:00 p.m. until 5:00 p.m.**

4. 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 Membership Lounge Fundraiser”; to be held in the **“Penler Space”**, located at **686 Purchase Street**; and to be held on **Saturday, January 17, 2015, from 7:00 p.m. until 11:45 p.m.**

5. APPLICATION, (No Representation Required)

Flagship Cinemas, Inc., Arianne Walker, General Manager, who is requesting approval of an application for a **Special One-Day Wine & Walt Only Beverages License** for a “Wine Tasting Movie Premiere”, to be held within the **Flagship Cinema Lobby**, located at **500 King’s Highway**; and to be held on **Thursday, February 12, 2015 from 6:00 p.m. until 8:00 p.m. (21+ Event)**

6. 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 be held in this office, **City Hall, Room 314, on Tuesday evening, January 20, 2015 7:00 p.m.**, to determine the status of your annual liquor license for the year 2014.

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 2014 prior to this Board considering approval of your 2015 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.

Minutes of 06/30/14 Meeting

As a result of the open hearing held on June 30, 2014 to determine the status of your annual liquor license for the year 2014, and to discuss the status of your ‘pending transfer of license’ prior to this Board considering approval of your 2015 Liquor License renewal application; this Board voted unanimously to table the matter until the Licensing Board’s November 17th Meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until November 1, 2014 to initiate one (1) of the following three (3) options prior to this date:**

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

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

Licensee Did Not Appear At The 11/17/14 Meeting As Notified

7. Hearing: Carrig, Inc. d/b/a Hibernia Brew Pub

Mr. Barry Flynn, Manager

109 William Street

Your presence and that of **Geoffrey A. Haworth II, Doorman** is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws, Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules & Regulations, as reported by City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to modify or suspend your license.

They are as follows:

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

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

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.

Licensing Board Regulation No. 5 & 10-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated.

Summary of Incident

Police Department Incident Report states that while working with the New Bedford Fire Prevention Bureau conducting alcohol and building compliance checks, Officers entered the premises at 109 William Street and began to check for identification of people drinking at the bar.

As the Officers were conducting their I.D. checks, they observed a female standing at the bar who appeared to be underage who they approached and asked if she had an I.D. She informed the Officers that Geoff (Doorman) had it. When asked why Geoff had her I.D., she stated that he was holding it for her. When asked by the Officers if he had her I.D., Geoff stated that he did not have it. As the Officers were gathering the information of the female, who stated that she was only 19 years old, they noted that there was a smell of alcoholic beverage on her breath as she spoke and that she was unsteady on her feet. The female's mother was called to pick her up over at Station #1.

Date and time of alleged violations: Thursday, November 27, 2014 @ approx. 12:18 a.m. Police Report #14-15143-OF

• **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman **Dated – 12/17/14** **Received –12/31/14**

Re: Swamini, LLC d/b/a Zully's Wine & Spirits **1240 Kempton Street**

Notice of Hearing Date: Wednesday, December 17, 2014 @ 11:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 138, sec. 34 – Sale of Delivery of an alcoholic beverages to a person under twenty-one (21) years of age (1 count)

Date of Alleged Violation: Thursday, October 9, 2014 at approx. 9:30 p.m. (ABCC Investigation & Hearing)

DECISION: Based on the evidence, the Commission suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

From: Kim S. Gainsboro, ABCC Chairman **Dated –12/15/14** **Received –12/15/14**

Re: World Famous Pizza & Subs, Inc. **1114 Acushnet Avenue**

Re-Scheduled Hearing Date: Wednesday, April 1, 2015 @ 10:00 a.m.; an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 12 Wines & Malt Beverages License Application to be exercised at 1114 Acushnet Avenue.)

From: Kim S. Gainsboro, ABCC Chairman **Dated –12/15/14** **Received –12/15/14**

Re: R.V. GAS, Inc. d/b/a Joe's Gas **277 Nash Road**

Re-Scheduled Hearing Date: Wednesday, April 8, 2015 @ 10:00 a.m.; an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 277 Nash Road.

From: Kim S. Gainsboro, ABCC Chairman **Dated – 11/25/14** **Received – 12/03/14**

Re: Route Six Properties, Inc. d/b/a Temptation **161 Popes'**

Island

Notice of Hearing Date: Tuesday, February 17, 2015 @ 1:30 p.m. for an appeal hearing from the action of the New Bedford Licensing Board for suspending the license of Route Six Properties, Inc. d/b/a Temptation located at 161 Pope's Island for a period of **Twenty (20) Days**.

01/08/15 – Atty. Matthews submitted a written notice to the ABCC formally withdrawing the appeal, and the ABCC canceled the hearing per the request. Therefore, the Board's decision to suspend the license for thirty (30) with twenty (20) days to be served, and ten (10) days held in abeyance for one (1) year will be imposed immediately by written notice.

From: Kristin Davis, DOR Seizure Unit **Dated – 12/29/14** **Received –**

12/29/14

Please be advised that the Massachusetts department of Revenue will not be pursuing the renewal of the 2014 liquor license for Ferdade, Inc. d/b/a The Pub.

• COMPLAINTS RECEIVED:

---NONE--

• REVIEW POLICE DEPARTMENT INCIDENT REPORTS/ COMPLAINTS

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
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--NONE--

• LICENSE HOLDERS IN TAX TITLE – For Review Only (A/O 01/01/15) – FINAL LISTING)

Common Victuallers (Restaurants)

Dee’s Hot Dogs (Robert C. & Diane M. Martin d/b/a) – Plot# 119--84-----\$2,789.15 – PAID INFULL

The Boat (Lemieux Enterprises, Inc. d/b/a) – Plot# 127-D-141-----\$9,527.07 – PAID INFULL

Class II (Used Car Dealer)

Capitol Motors (Ronald Moura d/b/a)-Plot# 23-219-----\$9,576.86 – “Deceased”

Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-Plot# 13-138-----5,948.41 – Agreement/Compliant (01/09/15)

Lima’s Garage & Auto Body, Inc.-Plot# 97-147-----\$14,278.54 – Agreement/Compliant (12/04/14)

Union Auto Towing, Inc.-Plot# 320—33-----\$3,228.79 – PAID IN FULL

Class II (Used Car Dealer)

A. W. Martin, Inc.-Plot# 123—20-----\$11,251.36 – No Agreement

Liquor Licenses

Common Victualler AA (Restaurants)

Chuck’s China Inn (Luk & Chen, Inc. d/b/a)-Plot# 111-21-----\$7,415.78 – PAID IN FULL

Danny’s Seafood Restaurant (Norway Café, Inc. d/b/a)-Plot# 108-13-----\$13,439.78 – Agreement/Compliant (12/22/14)

Incognito (Anthsand, Inc. d/b/a)-Plot# 104-114-----\$3,967.46 – PAID IN FULL

Jalice Café, Inc.-Plot# 99-3-----\$16,035.83 – Agreement/Compliant (12/19/14)

LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-148-----\$2,729.22 – Agreement/Compliant (12/23/14)

LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-151-----\$8,280.40 – Agreement/Compliant (12/23/14)

Me & Ed’s Restaurant, Inc.-Plot# 4-29-----\$9,031.82 – Agreement/Compliant (12/22/14)

Me & Ed’s Restaurant, Inc.-Plot# 4-51-----\$14,313.88 – Agreement/Compliant (12/22/14)

Me & Ed’s Restaurant, Inc.-Plot# 5--7-----\$13,656.92 – Agreement/Compliant (12/22/14)

Mikey B’s (Mikey B’s, Inc. d/b/a)-Plot# 130-D-139-----\$651,786.11 – Agreement/Compliant

Villa Franca Restaurant & Café (Vila Franca Do Campo, Inc. d/b/a)-----\$6,015.24 – PAID IN FULL

Clubs AA

The Bisca Tournament Club, Inc.-Plot#37-3-----\$1,730.42 – Agreement/Compliant (11/10/14)

The Bisca Tournament Club, Inc.-Plot#37-322-----\$3,248.86 – Agreement/Compliant (11/10/14)

The New Cape Verdean Ultramarine Band Club, Inc.-Plot#42-183-----\$17,699.15 – Agreement Compliant (12/30/14)

Retail Package Store All Alcohol

County Street Liquor Store (Matthew Do d/b/a)-Plot#92-267-----\$1,439.38 – PAID IN FULL

Retail Package Store W & M

Costa’s Gas & Mini-Mart (MMRB Corp., Inc. d/b/a)-Plot#92-267-----\$14,688.24– Agreement/Compliant (12/9/14)

• **OUTSTANDING FIRE & POLICE DETAILS – For Review Only (A/O 01/01/15 – FINAL LISTING)**

- 1. Golden Greek (CV)-----\$695.99
- 2. World Famous Pizza (CV)-----\$1,364.72
- 3. A.W. Martin, Inc. (Class III)-----\$546.42
- 4. Kirby’s Irish Pub (CVAA)-----\$346.28
- 5. Lebanese Kitchen (CV W & M)-----\$2,438.70
- 6. Verdean Veterans Memorial Foundation (Club AA)-----\$1,330.06

Day of Portugal (Special Event)-----\$26,196.38 - PAID IN FULL

Dublin’s Sports Bar (CVAA)-----\$725.01 – PAID IN FULL

Irmandade Espirito Do Santo Do Pico (Special Event)----\$90.41 – PAID IN FULL

Society of Senhor DaPedra (Club AA)-----\$865.70 - PAID IN FULL

Tila’s Restaurant (CVAA)-----\$175.00 - PAID IN FULL

The Sky Room (CVAA)-----\$149.79 – PAID IN FULL

Verdean Veterans Memorial Foundation (Club AA)-----\$349.71 (2) – PAID IN FULL

Waterfront Grille (CVAA)-----\$175.00 – PAID IN FULL

Wonder Bowl (GOP)-----\$3,477.46 - PAID IN FULL

Subject: Liquor License Renewals For 2015 (Informational Only)

The Licensing Board herewith submits a report of all the Liquor License Renewals for 2014 by category and totals per.

Licenses classified as follows were issued and signed by the Board in the month of December, 2014.

Common Victualler---All Alcoholic	84
Common Victualler---Wine & Malt (6 Days)	3
Common Victualler---Wine & Malt (7 Days)	16
General on –Premise ---All Alcoholic	17
Clubs---All Alcoholic	26
Retail Package Stores---All Alcoholic	23
Retail Package Stores---Wine & Malt	12
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
TOTAL=184 (Net Gain - 0)	

There were two (2) new licenses issued in 2015:

- ❖ **Allen Street Convenience, Inc., 282 Allen Street, (RPS W &M Only)**
- ❖ **Hi Lo Gas (Nar Fuel, Inc. d/b/a), 2780 Acushnet Avenue (RPS W & M Only)**

There were two (2) licenses that were not renewed for 2015:

- ❖ **Crush Beverage Company, Inc. d/b/a Crush Fine Wines (CV W &M) – Licensee Decision.**
- ❖ **Ferdade, Inc. d/b/a The Pub (CVAA) – License Seized by DOR/DOR Chose Not To Pay Renewal Fee**

There were 184 licenses issued for 2015 of which the following twelve (12) licenses are currently inactive:

- 1. **Braza Rotisserie (Ransan Rotisserie d/b/a) – CV W & M – License/And Or Business For Sale**
- 2. **Café Balena (Café Chessa Corp. d/b/a) CV W & M – License For Sale**
- 3. **Columbus Group (Columbus Group, LLC d/b/a) – CVAA – Renovations**

4. **Fortuna Grill (DeAbreu & Sons, Inc. d/b/a)** – CV W & M – License/And Or Business For Sale
5. **Lebanese Kitchen (Nabih Moujabber d/b/a)** – CV W & M – Renovations
6. **Major League Burgers (JAMA, LLC d/b/a)** – CVAA – License Only For Sale
7. **New Bedford Lodge No. 73---BPO Elks** – CLUBAA – License Only For Sale
8. **Octane Sports Bar (Tane Corporation d/b/a)** – CVAA – Sale Pending
9. **Cultivator (Cultivator Shoals, Inc. d/b/a)** – CV W& M – Renovations
10. **XS Nightclub/Lounge (Simba, Inc. d/b/a)** - CVAA – License Only For Sale
11. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a)** – CVAA - Renovations

Note: There were 12 inactive licenses at the start of 2014.

- **Review Policy Regarding Early Morning Openings (Breakfast Service)**
- **NEXT TWO MEETING DATES: February 23rd & March 23rd both on Mondays in Room 120 (Ashley Room).**
- **MEETING ADJOURNED:**