

PRESENT: Steven A. Beauregard, Chairman – “Final Meeting”
 Marcelino “Sonny” G. Almeida, Commissioner
 Edmund F. Craig, Jr., Commissioner
 Atty. Kreg Espinola, Asst. City Solicitor
 Lt. Justin Kagan, Police Department Liaison to the Lic. Bd.
 Nick Nanopoulos, Director – “Final Meeting”
 Christine Amaral, Executive Aide for Licensing – “1st Meeting”

❖ **VOTE TO ACCEPT THE MEETING MINUTES OF DECEMBER 28, 2022- UNANIMOUS**

• **APPROVALS RECEIVED FROM THE ABCC (2)**

Change of Manager - Tr. # 05224-RS-0778 – Plot # N/A

Airport Grille, LLC d/b/a Airport Grille, David Slutz, Co-Manager of LLC, is requesting the approval of Joycelin Hernandez, who resides at 21 Valentine Street, New Bedford, MA. as their New Manager.

Approved by the ABCC – 01/04/23

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

Change Of Manager - Tr. # 00108-CL-0778 – Plot # 24—206 – “LATE FILE”

The Monte Pio Luso Americano Corporation, Helder Almeida, President, is requesting the approval of Joao C. Vieira, who resides at 82 Bay Street, New Bedford, MA. as their New Manager.

Approved by the ABCC – 01/19/23

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

1. Petition - Tr. # 05224-RS-0778– Plot # 25—88

Airport Grille, LLC d/b/a Airport Grille, David Slutz, Co-Manager of LLC, is requesting the approval of Victoria P. LeBlanc, who resides at 115 Maxfield Street, New Bedford, MA. as their New Manager.

Present: David Slutz and Victoria P. LeBlanc

Ms. LeBlanc has experience in restaurant management and is already T.I.P.S. Certified.

Voted: Commissioner Almeida made a motion to approve the application as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval; with a stipulation that Ms. LeBlanc submit copies of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of approval or prior; and that all their employees be ‘certified’ as well, with copies of their certifications to be kept on file for review. – **Unanimous**

Voted: Commissioner Almeida made a motion to remove Item #2 from the table and to take up this matter at this time.

Unanimous

Tabled at 12/28/22 Meeting

2. Petition - Tr. # 00073-CL-0778– Plot # 25—88 - “Awaiting DOR & DUA Certificates of Good Standing

Portuguese Sports Club, Inc., Nelson A. Rodrigues, Sole Director, 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, Antonio L. Correia will be the President and a Co-Director, Antonio J. Travassos and Jose A. Ira will both be Vice-Presidents and Co-Directors, Paulo Amorim will be the Treasurer and a Co-Director, and Alvaro M. Ira will be the Clerk and a Co-Director. The ‘Club’ is also requesting the approval of **Demetry Travassos**, who resides at 47 Acushnet Avenue, Apt. #2, New Bedford, MA. **as their new Manager**. Premises will remain the same at **56 Delano Street**.

1/23/2023

Present: *No One Required To Attend*

Mr. Nanopoulos informed the Board that the application was still incomplete and recommended that the matter be tabled until such time as the application is complete.

Voted: Commissioner Almeida made a motion to follow Mr. Nanopoulos' recommendation and to table the matter until the application is submitted complete. - **Unanimous**

3. HEARING: Perry's Fireside Lounge, Inc.

Ms. Laura Perry, Manager/Co-Owner

24 Clifford Street

Per M. G. L., based on your failure to submit your payment of \$3,050.00 for the renewal of your 2023 Common Victualler Restaurant Liquor License by the December 30, 2022, deadline, you are hereby given notice that you have Fourteen (14) days to submit your renewal fee.

Per the statutory provisions for forfeiture of alcoholic beverages license for failure to comply, within fourteen (14) days after notice of authorization of license, with statute of requiring payment of fee and filing of bond, will result in the Licensing Board voting to rescind your Common Victualler Restaurant Liquor License at its January 23, 2023 meeting, therefore, forfeiting your rights to the license.

M. G. L. Ch. 138. Sec. 16B-

Any applicant for a license under this chapter who fails to comply with the requirements of section seventy within fourteen days after notice that a license has been authorized to be granted to him shall forfeit any right thereto unless the licensing authorities to which application was made otherwise determines.

M. G. L. Ch. 138. Sec. 70-

No license or permit under this chapter shall be granted by the commission or the local licensing authorities unless the fee therefore has been paid into the state treasury or the city or town treasury.

You have until 3:30 p.m. on January 23, 2023, to submit the requested payment.

1-23-2023

Present: No One Required To Attend

The 2023 License fee has not been paid in the 14-day timeframe that is required per **M. G. L. Ch. 138. Sec. 70.** License will be rescinded for failure to pay annual fee.

Voted: Commissioner Almeida made a motion to rescind License due to failure to pay annual fee. - **Unanimous**

VOTED: Commissioner Almeida made a motion to remove Item #4 from the table and to take up this matter at this time. **Unanimous**

Tabled at 11/21/22 Meeting

4. Petition - Tr. # #04517-RS-0778- Plot # 110—279 – “Awaiting DOR & DUA Certificates of Good Standing.”

Perry's Fireside Lounge, Inc., Laura Perry, Co-Director, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to China P.R. Chinese Food & Sports Bar. The applicant is also requesting approval of a Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Rockland Trust Company with an address of 288 Union Street, Rockland, MA. as security to authorize and execute a promissory note in the amount of Two Hundred and Thirty-One Thousand Dollars (\$231,000.00), pursuant to Massachusetts General Laws Ch.138 s.23 Upon approval, Yuen Shen Lui will be the Sole Manager and Sole Interest Holder (100%) of the LLC; and Yuen Shen Lui is also the proposed Manager of the Liquor License. The premises will remain the same as follows: Three (3) Rooms and Kitchen on the first floor and One (1) Room on the second floor of a two-story building with stock in the cellar. The premise is situated on the south side of Clifford Street between Acushnet Avenue and Concord Street and will remain numbered 24 Clifford Street.

Note: There will be **No Live Entertainment**, as stated in the application.

Application has been advertised; Abutters Notification Not Required

11/21/22 Minutes

Present: No One Required To Attend

Mr. Nanopoulos informed the Board that the application was incomplete and recommended that the matter be tabled until such time as the application is complete.

Voted: Commissioner Almeida made a motion to follow Mr. Nanopoulos' recommendation and to table the matter until the application is submitted complete. **Unanimous**

1/23/22 Minutes

Present: No One Required To Attend

This license that was to be transferred is no longer active. (See Item #3)

Mr. Nanopoulos informed the Board to take no further action.

Voted: Commissioner Almeida made a motion to take no further action - **Unanimous**

***** Special One-Day Licenses (2)*****

VOTED: Commissioner Almeida made a motion to take up **Item #'s 5 & 6** at one time; waive reading; and approve the applications as presented – **Unanimous**

5. APPLICATION, (No Representation Required)

Our Lady of Purgatory Church, Matthew Thomas, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Parish Fundraiser' to be held **within the Parish Hall**, located at **4253 Acushnet Avenue**; and to be held on **Saturday, February 4, 2023, from 6:00 p.m. until 11:45 p.m. (Final Approval will require Liquor Liability with the City of New Bedford named as additionally insured on an Accord Form along with a copy of the Police Detail Contract)**

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

6. APPLICATION, (No Representation Required)

South Coast Business Alliance, Christopher Resendes, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '17th Annual Oktoberfest Fundraiser' to be held on **City Pier 3**; and to be held on **Saturday, October 7, 2023, from 3:00 p.m. until 11:45 p.m. (Last call will be at 11 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)** ****NO CHANGES, AS PREVIOUSLY APPROVED****

7. APPLICATION, (New Owner Application)

Carl Garcia, who resides at **8 Hickory Lane, Westport, MA.** is requesting approval of an application for a '**New**' **Motor Vehicle Class II Used Car Dealer license** for **Carl's Collision Center, LLC.**

The previously approved licensed premise consists of a paved area 2,100 sq. ft. in front of the premises, with a fenced in area, approx., 5,700 sq. ft. for the storage of vehicles; the area includes a cement block building which includes a repair garage (50' X 33'), an office, and one restroom. Premises is situated on the west side of Bonny Street, between Cove and Katherine Street, and is numbered **307 Bonney Street**. Repairs will be performed on the premises.

Note: Site is currently licensed to **Wing's Auto, Inc.** who did not renew his 2023 Class II license, which was previously for the display of **6 cars** by the Office of Inspectional Services.

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 repairs will be done.

*****Special Permit Is Not Required*****

Present: Carl Garcia

Mr. Garcia has had a Carl's Collision in Fall River, for the past 30 years with no issues. He plans to perform small body work jobs and have no salvage vehicles at this location. Mr. Garcia would like to keep the existing quota of 6 cars for display. He will take trades and if vehicles are not sellable, he will wholesale to other dealers.

VOTED: Commissioner Almeida made a motion to approve the application as presented and to approve the license for the display of six (6) cars, as approved for that location by Inspectional Services. – **Unanimous**

8. APPLICATION, (New Owner Application)

Carl Garcia, who resides at **8 Hickory Lane, Westport, MA.** is requesting approval of an application for a '**New**' **Motor Vehicle Auto Body Shop license** for **Carl's Collision Center, LLC.** The previously approved licensed premise consists of a paved area 2,100 sq. ft. in front of the premises, with a fenced in area, approx., 5,700 sq. ft. for the storage of vehicles; the area includes a cement block building which includes a repair garage (50' X 33'), an office, and one restroom. The building includes a spray booth (27' X 14') with the following:

A side draft spray booth made by Devilbliss (14' X 14') with a fire suppression system that includes a filtered air coming in and going out exhaust. There is also a storage paint room (10' X 10') along with a fire suppression system. The premise is situated on the west side of Bonney Street, between Cove and Katherine Streets, and is numbered **307 Bonney Street**.

Note: Site is currently licensed to **Wing's Auto, Inc.** who will have to surrender his **2023 Mv Auto Body Shop** license upon approval.

Final approval of the Motor Vehicle Auto Body Shop License will require a '**Change of Tenant**' from the **Office of Inspectional Services**, and a **Copy of their RS#.**

*****Special Permit Is Not Required*****

Present: Carl Garcia

This application is for the auto body portion of Carl's Collision Center.

VOTED: Commissioner Almeida made a motion to approve the application as presented. **Unanimous**

9. HEARING: County Liquors, Inc. d/b/a Mark's Beverage

Mr. Divyesh Patel, Manager/Owner

642 County Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC, and/or Licensing Board Rules & Regulations. This hearing will address an incident that occurred on November 20, 2022, during which a minor (19 years old) was observed entering and exiting your store in the possession of alcohol, which was purchased without being asked for identification.

Based on their findings, the Licensing Board may take action to suspend your license.

The potential violations 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 204CMR2.05:(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-

Sale of alcoholic beverages, wine, and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

While on routine patrol, the reporting officer observed a male exit his vehicle and go into the store. A short time later, the male was observed walking out of your store carrying a black plastic bag with what appeared to have a large bottle inside of it. The male was observed getting back into his car and began traveling north on County Street, having no front headlights illuminated. Upon checking on the status of the vehicle, it was observed that it was registered to a male that was nineteen (19) years of age and a traffic stop was then conducted.

When asked by the officer if he purchased alcohol, the male stated yes. The black plastic bag contained a 750ml bottle of "On the Rocks" vodka cocktail mixture.

When asked by the Booking Supervisor, the male stated that he was not asked for his identification/license by employees when purchasing the alcohol.

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

Police Report # 22 – 12274 – OF – 11/20/22

Present: Divyesh Patel, Manager/Owner, Attorney John Williams, and Officer Jenna Touchette

Officer Touchette described the events of the evening as she witnessed a male leaving the Liquor store with a plastic bag with a bottle of alcohol inside. The male was driving away with no front headlights illuminated. Upon checking the status of the vehicle, Officer Touchette observed that the vehicle was registered to a nineteen (19) year old male. A traffic stop was conducted.

Attorney Williams stated that the male had been to the store in the past and showed identification. The store has since implemented a Point-of-Sale System that will make every sale require identification. He also stated that in the four years that Mr. Patel has owned the liquor store, this has been the first liquor violation.

Chairman Beauregard explained that just because a customer makes a past purchase with an ID does not release the store from culpability.

VOTED: Commissioner Almeida made a motion, stating that since this was the first offence for Divyesh Patel, as Manager/Owner and corrective actions have been taken, to place Mark's Beverage on probation for six (6) months.,

Unanimous

- **CORRESPONDENCE**

--NONE--

- **COMPLAINTS RECEIVED:**

--NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Doug's House of Harmony	#23-7-OF	01/01/23	Serving After Hours (Approximate Time of Violation 2:50 a.m.)

This was a neighbor complaint, and the details of the incident were confirmed. Doug's House of Harmony will be brought in for a hearing at the next scheduled meeting on February 27, 2023.

• **Liquor License Renewals For 2023 (Informational Only)**

Licenses classified as follows were issued and signed by the Board in the month of December 2022:

Innholder All- Alcoholic	3
Common Victualler---All Alcoholic	85
Common Victualler---Wine & Malt (6 Days)	0
Common Victualler---Wine & Malt (7 Days)	17
General on Premise ---All Alcoholic	13
Clubs---All Alcoholic	20
Retail Package Stores---All Alcoholic	23
Retail Package Stores---Wine & Malt	18
Farmer Series Winery Pouring Permit	1
Farmer Series Brewery Pouring Permit	1
Farmer Series Distillery Pouring Permit	1
Master Pouring Permit (City Permit)	1

TOTAL=183 (-3)

There were Four (4) Licenses that were not renewed for 2023:

- ❖ **Adriana's Mexican Restaurant (Giraldo's Restaurant, Inc. d/b/a), 1262 Acushnet Ave.-- Rest. AA
Licensee Decision /Lost to the City/Over Quota (Lic. # 00142-RS-0778)**
- ❖ **Perry's Fireside Lounge, Inc., 24 Clifford Street – Rest. AA
Licensee Decision /Lost to the City/Over Quota (Lic. # 045172-RS-0778)**
- ❖ **Café Italia Ristorante, Inc., 555 Pleasant Street – Rest. W& M Only
Licensee Decision/Returned to the City/Under Quota (Lic. # 04515-RS-0778)**
- ❖ **David's Restaurant (JME Enterprises, Inc., 70-76 Church Street – Rest. W& M Only
Licensee Decision/Purchased AA Lic./Returned to the City/Under Quota (Lic. # 04927-RS-0778)**
- ❖ **True Value Standard Marine & Hardware, 143 Pope's Island - RPS W & M Only
(Standard Marine Outfitters, LLC d/b/a)
Licensee Decision/Returned to the City/Under Quota (Lic. # 88967-RS-0778)**

There were Two (2) new licenses issued in 2022:

- ❖ **Union Street Barbeque & Beer Garden (Flask, LLC d/b/a), 250 Union Street
Frederick A. Miller, Jr., Manager Lic. # 06713-RS-0778**
- ❖ **Wine & Market (2030 Ocean Street, LLC d/b/a), 161 Pope's Island
Daniel R. Newcomb, Manager Lic. # 90390-PK-0778**

There were 183 licenses issued for 2023 of which the following **Twenty-One (21)** licenses are currently inactive:

RESTAURANTS COMMON VICTUALLERS

RESTAURANT ALL ALCOHOLIC - (14)

3 C's Bar & Grille, LLC. 578-580 Brock Avenue, **LIC. FOR SALE**

Ambiance Park Cafe, Inc., 369 Rivet Street, **CLOSED FOR RENOVATIONS**

Bamboo Garden Restaurant (NG Restaurant Corp. d/b/a), 836 Purchase Street, **CLOSED/COVID**

Café Portugal, Inc., 1280 Acushnet Avenue, **CLOSED/LIC. FOR SALE**

Cobblestone Restaurant (Old Cobblestone Dining Company, LLC, LLC d/b/a), 7 South Sixth Street, **CLOSED FOR RENOVATIONS**

Flask Bar & Grill (Flask, LLC d/b/a), 701 Orchard Street, **CLOSED FOR RENOVATIONS**

Franklin Hospitality Corp., 24 Union Street, **CLOSED/PROJECT PENDING**

Kruger Bros. (Cultivator Shoals, Inc. d/b/a), 47-49 Union Street, **CLOSED/RENOVATIONS**

Taber Café, LLC, 30 Brock Avenue, **CLOSED/RENOVATIONS**

The Brown Jug Tavern (The Three Pumpkins, Inc. d/b/a), 479-481 Ashley Boulevard, **CLOSED/COVID**

The Green Horn (Michelle A. & Francisco L. DeFreitas d/b/a), 126 Dartmouth Street, **CLOSED/LIC. FOR SALE**

Toussaint Restaurant (Agua de Pau Restaurant, Inc. d/b/a), 418-420 Rivet Street, **CLOSED/LIC. FOR SALE**

Vasco DaGama, Inc. , 86 Dartmouth Street, **CLOSED/COVID**

Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a), 114-116 Nauset Street, **CLOSED/RENOVATIONS**

WINE & MALT (7 DAY LICENSES) - (2)

Travessia Wine Bar (Montez & Company, LLC d/b/a), 200 Union Street, **CLOSED/RENOVATIONS**

Union Street Barbeque & Beer Garden (Flask, LLC d/b/a), 250 Union Street, **CLOSED/RENOVATIONS**

GENERAL ON-PREMISES – AA - (2)

Desdemona (A & A Management Group, Inc. d/b/a), 114 Cove Street, **CLOSED/CHANGE OF LOCATION PENDING**

Smoke N Fishermen Seafood Rest. & Bar, 289 Acushnet Avenue, **CLOSED/COVID**

RETAIL PACKAGE GOODS STORES

ALL ALCOHOL – (1)

Wine & Market (2030 Ocean Street, LLC d/b/a), 161 Pope's Island, **CLOSED/RENOVATIONS**

WINE & MALT ONLY - (1)

Coastal Provisions (Coastal Provisions, LLC d/b/a), 142 Arnold Street, **CLOSED/RENOVATIONS**

Note: There were **Twenty-Two (22)** inactive licenses at the start of 2022.

- **NEXT TWO MEETING DATES:** February 27th & March 27th, both to be held on Monday nights and both to be held remotely at 6:00 p.m. – **Confirmed.**
- **MEETING ADJOURNED:** 6:21 p.m.