

LICENSING BOARD MEETING**-AGENDA-****Monday, August 26, 2019****Room 314 – 7:00 p.m.**

PRESENT: Steven A. Beauregard, Chairman
 Marcelino “Sonny” G. Almeida, Commissioner
 Edmund F. Craig, Jr., Commissioner
 Atty. Kreg Espinola, Asst. City Solicitor
 Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.
 Nick Nanopoulos, Director

A/O 08/21/19❖ **VOTE TO ACCEPT THE MEETING MINUTES OF FEBRUARY 25, 2019**• **APPROVALS RECEIVED FROM THE ABCC (4)****Change of d/b/a - Trans. # 04571-RS-07778 – Plot # 24--119**

A.O.F. New Bedford, Inc. Amaldo Oliveira, President is petitioning for a **Change of d/b/a from Fernando’s Sports Bar to New Bedford Sports Bar.**

Approved by the ABCC – 07/25/19

Change of Officers & Directors - Trans. # 00094-CL-0778– Plot # 106--85

St. Michael Social Club, Inc., Nelson Tavares, 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, Nelson Tavares will remain as the President and a Co-Director, Horacio Tavares will be the (new) Vice-President and a Co-Director, Jay Williams will be the (new) Treasurer and a Director, and Luis Pacheco will be the (new) Clerk and a Co-Director; and Fernando Pacheco, (new) Duarte Carreiro, and (new) Jessie Moniz will all be Co-Directors. **Nelson Tavares** will remain as the **Manager.** Premises will remain the same at **101 Madeira Avenue.**

Approved by the ABCC – 07/30/19

Transfer & Pledge of License – (Old Lic. #00009-RS-0778) New Lic. # 05083-RS-0778 – Plot # 15--59

Unidos, Inc. d/b/a Alianca Restaurant, Rui M. DeMatos, Sole Shareholder, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Alianca 1, Inc. d/b/a Alianca.** Upon approval, Susan Amaral will be the President, Treasurer, Secretary, Sole Director, and the Sole Shareholder (100%); **Susan Amaral** is also the **Proposed Manager of the Liquor License.** The petitioner is also requesting approval of a **Pledge of the Common Victualler All Alcoholic Beverages License to Unidos, Inc.** with a business address of **96-98 Cove Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred Thousand Dollars (\$100,000.00),** pursuant to **Massachusetts General Laws Ch.138 s.23.** The premises will remain the same as follows: Premise consists of a dining room, bar area with additional seating, kitchen, three restrooms in an area approximately 2,300 sq. ft. on the first floor of a three-story building with stock in the basement. The premise is situated on the southeast corner of Cove and McGurk Streets, and is numbered **98 Cove Street.**

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

Approved by the ABCC – 07/31/19

Change of Manager - Trans. # 00082-HT-0778 – Plot # 94-2

Emerald Partnership, LTD. d/b/a Whaler Inn & Suites & Conference Center/Ryan’s Pub & Billiards, 500 Hathaway Road, is requesting the approval of **Maria M. Andrade-Hermort,** who resides at 59 Jonathan Street, New Bedford, MA. **as their new manager.**

Approved by the ABCC – 08/08/19

1. Petition - Trans. #00100-RS-0778 – Plot # 97--175 No Representation Required)

Ying Dynasty Nauset, LLC d/b/a Ying Dynasty, Shang Ying Zhao, Manager of LLC, who is requesting a **Change of LLC Member;** as well as a request to **Alter the Premises to reduce the size of the licensed premises and a Change of Location (Address) from 114-116 Nauset Street to 114 Nauset Street** of the Common Victualler (Restaurant) All Alcoholic Beverages License. The petitioner is requesting that the resignation of Melanie Zhao as a Member of the LLC be accepted.

Upon approval, Shang Ying Zhao will remain as the Manager and Sole Interest Holder (100%) of the LLC, and **Shang Xiong Zhao** will remain as a Member of the LLC and **Manager of the Liquor License**. The new description of the premises will read as follows: The licensed premises will consist of two rooms within an area approximately 4,600 sq. ft. on the first floor of a street level building. The first room includes a dining area, bar area, hostess area, liquor storage area, kitchen and storage area and three restrooms; and a second room for additional dining. The premises, which is situated on the south side of Nauset Street between Mt. Pleasant and Myrtle Streets, will have three (3) entrances/exits in the front of the building onto Nauset Street, and three (3) emergency exits in the rear of the building, and **will be numbered 114 Nauset Street**.

Final approval will require a **'Certificate of Inspection'** from the Building Department, a **'Food Permit'** from the Health Department, **'Proof of Liquor Liability'**, and a **304 Certificate from the Fire & Building Depts.**

Application has been advertised; Abutters Have Been Notified

Tabled at 07/22/19 Meeting ---- "No Further Action Required"

2. Hearing: Ying Dynasty Nauset, LLC

Mr. Shang Ying Zhao, Manager
114-116 Nauset Street

As previously discussed, because of changes made to your corporate structure as well as the description of your premises, you had been advised to file an application to address these changes. To date, said application has not been filed.

As a result of your failure to comply, you are required to attend a hearing to address this issue.

****Matter Has Been Ongoing Since 05/11/18---Matter Was Last Discussed At the 02/25/19 Meeting****

Written Decision of 06/24/19

As a result of the open hearing held on Monday, June 17, 2019, regarding your failure to submit an application to address certain changes you've made to your corporate structure as well as the planned changes to the description (reduction in size) of your premises; the Board voted unanimously to table the matter for thirty (30) days, to give you sufficient time to submit an application to address those issues.

The Board's decision was based on the assurances by your Attorney (Christopher Markey) that he would have an application submitted by July 3, 2019, so that it may be placed on the July 22, 2019 Agenda.

The Board has the expectation that an application will be filed in a timely manner, if so, you will not be required to attend the July 22, 2019 meeting.

3. Petition - Trans. # 00109-GP-0778 – Plot # 19--53

United Fishermen Club, Inc., Francisco J. Dos Santos, (new) President, who is petitioning for a **Change of Officers, Directors, and Manager of the General On Premise (Non-Profit Club) All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers, Directors, and Manager currently on file with the Alcoholic Beverages Control Commission be accepted. Upon approval, Francisco J. Dos Santos will be the President and a Co-Director, Leo Almeida will be the Vice-President and a Co-Director, Maria Dos Santos will be the Treasurer and a Co-Director, and Manuel Vieira will be the Secretary and a Co-Director; The 'Club' is also requesting the approval of **Francisco Dos Santos**, who resides at **53 Calumet Street, New Bedford, MA. as their new Manager**. Premises will remain the same at **639 Orchard Street**.

No Advertisement nor Abutters Notification Required

Tabled at 07/22/19 Meeting

4. Hearing: United Fishermen Club, Inc. ---- "No Further Action Required"

Mr. Jose Santos, President
639 Orchard Street

This office has been informed that there has been a change of Officers and Directors, and that Mark Custodio has resigned his position as an officer and manager of the organization. As your organization is aware from past practices, an application for change of manager as well as the new slate of Officers and Directors must be filed immediately.

Please be advised that should representation fail to appear; this Board may immediately suspend your General on Premise All Alcoholic Beverages License until this matter is resolved.

The Board also requests that you bring with you your 2019 Liquor License to the hearing as you may be required to relinquish same depending on the Board's findings.

****Matter Has Been Ongoing Since the 10/23/17 Meeting---Matter Was Last Discussed At the 02/25/19 Meeting****

Written Decision of 06/24/19

As a result of the open hearing held on Monday, June 17, 2019, regarding your failure to submit an application to address certain changes you've made to your corporate structure as well as naming a new manager; the Board voted unanimously to table the matter for thirty (30) days, to give you sufficient time to submit an application to address those issues.

The Board's decision was based on the assurances by your Attorney (Christopher Markey) that he would have an application submitted by July 3, 2019, so that it may be placed on the July 22, 2019 Agenda.

The Board has the expectation that an application will be filed in a timely manner, if so, you will not be required to attend the July 22, 2019 meeting.

5. Petition - Trans. #00084-RS-0778 – Plot # 46--32

Columbus Group, LLC d/b/a New Bedford Harbor Hotel, Xiaohui Yang, Manager of the LLC, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to NB Hotel MT, LLC d/b/a New Bedford Harbor Hotel. The applicant is also requesting the following approvals: **a Change of License Type from a Restaurant license to a Hotel (Innholder) license, a Change of Location from 218 Union Street to 218-222 Union Street, and a Change of Description of the Licensed Premises to include an additional room to be used for functions (222 Union St.) and the addition of the Sixty-Eight (68) Hotel Rooms onto the description of the license.** Upon approval, Xiaohui Yang aka Shiawee Yang will be the Sole Manager of the LLC and a Co-Interest Holder (1%); and N. B. Hotel MT, LLC (Twain HTC Fund VII, LLC) will be a Co-Interest Holder (99%) in the LLC; and **Theodore Giannino is the Proposed Manager of the Liquor License.** The revised description of the premises will read as follows: The 'Boutique' Hotel consists of the entire five - story building with an area approximately 37,260 sq. ft., which includes a 5,000 sq. ft. area on the first floor that includes a Dining and Bar area, Kitchen area, and Hotel Lobby and Registration Desk area, and two Restrooms; there will also be an additional area approximately 2,752 sq. ft., also on the first floor of a five - story building, which is contiguous to the dining area on the east side of the first floor area and will be used as a meeting and function area, and will have a portable bar and two Restrooms. Alcohol will also be served in the Sixty-Eight (68) rooms located on floors 2-5 and there is also an area for the storage of alcohol in the basement. The 'hotel' side of the licensed premises will have one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) entrances/exits into a common area, in which the hotel elevator is located, which will have two additional emergency exits; The function side will also have one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) means of egress by way of the common area and from the hotel side of the premises. The premise is situated on the south side of Union Street, on the corner of Union and Pleasant Streets, and is **numbered 218-222 Union Street.**

Final approval will require a **'Change of Tenant'** from the Building Department, a **'Food Permit'** from the Health Department, **'Proof of Liquor Liability'**, and a **304 Certificate from the Fire & Building Depts.**

Application has been advertised; Abutters Have Been Notified

Tabled at 07/22/19 Meeting**6. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant ---- "No Further Action Required"**

Ms. Xiaohui Yang, Owner

218 Union Street

As you are aware, the Alcoholic Beverage Control Commission (ABCC) returned your application because the following issues need to be addressed. Please be advised that this matter has been pending since the declination of November 11, 2018.

1. A transfer from Columbus Group, LLC to NB Hotel MT, LLC;
2. A change of license type from a restaurant to a hotel;
3. A change of location from 218 Union Street to 218 - 222 Union Street;
4. A Change of Description

In order for these issues to be resolved, you are required to attend a hearing to address this issue

****Matter Has Been Ongoing Since 03/16/18---Matter Was Last Discussed at the 02/25/19 Meeting****

Written Decision of 06/24/19

As a result of the open hearing held on Monday, June 17, 2019, regarding your failure to submit an application to address certain changes you've made to your corporate operation as well as other changes to your issued license; the Board voted unanimously to table the matter for thirty (30) days, to give you sufficient time to submit an application to address those issues.

The Board's decision was based on the assurances by your Attorney (Christopher M. Markey) that he would have an application submitted by July 3, 2019, so that it may be placed on the July 22, 2019 Agenda to address the following issues:

1. A transfer from Columbus Group, LLC to NB Hotel MT, LLC;
2. A change of license type from a restaurant to a hotel;
3. A change of location from 218 Union Street to 218 - 222 Union Street;
4. A Change of Description
5. Approval of a Management Agreement with Waterford Hotel Group

The Board has the expectation that an application will be filed in a timely manner, if so, you will not be required to attend the July 22, 2019 meeting.

7. Petition - Trans. # 00102-RS-0778 – Plot # 93--180

Rookies Bar & Grill, Inc., Jacinto Camara, President who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Taqueria La Raza, Inc.** Upon approval, **Petronila D. De La Rosa** will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); and the **Proposed Manager**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Taunton Federal Credit Union**, with an address of **480 Rockdale Avenue, New Bedford, MA**, as security to authorize and execute a promissory note in the amount of **Ninety Thousand Dollars (\$90,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The premises will remain the same as follows: the premise is located in an area approx. 3,252 sq. ft. that includes 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; Abutters Notification Not Required

8. Petition - Trans. # 00127-PK-0778 – Plot # 102--83

New Bedford Liquor Company, Inc. d/b/a Silva's Discount Liquors, Hoan Minh Le, President, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to NB Liquors, Inc. d/b/a Silva's Discount Liquors**. Upon Approval, Vijaykumar Patel will be the President, Treasurer, a Co-Director, and a Co-Shareholder (25%), Tarunkumar Patel will be the Secretary, Co-Director, and a Co-Shareholder (40%), and **Mehul Patel** will be a Co-Shareholder (35%) and the **Proposed Manager of the Liquor License**. The petitioner is also requesting approval of a **Pledge of the Retail Package Store License and Inventory of Retail Package Store All Alcoholic Beverages License to Rockland Trust Company**, with an address of **833 Ashley Boulevard, New Bedford, MA**, as security to authorize and execute a promissory note in the amount of **One Million & Seven Hundred-Fifty Thousand Dollars (\$1,750,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Premises will remain the same at **452 Mt. Pleasant Street**.

Final approval will require a **'Change of Tenant'** from the Building Department and a copy of the new **'Business Certificate'** from the Office of the City Clerk.

Application has been advertised; Abutters Notification Not Required

9. Petition - Trans. # 240 – Plot # N/A

Airport Grille, LLC d/b/a Airport Grille, which is petitioning for a **New Common Victualler All Alcoholic Beverages license under a Commonwealth of Massachusetts Special Legislation – Chapter 619 of the Acts & Resolves of 1968**, which allows for an all alcoholic beverages license to be issued to be exercised only on the premises of the New Bedford Airport, which shall not be transferable from said Airport, and terminates, becomes null & void at the termination of the lease of the restaurant premises. Upon approval, David Slutz, Troy DeMelo, Stephen Furtado, and Ryan DeMelo will all be Co-Managers and Co-Interest Holders (25% ea.) of the LLC. **Kacey Marie Britto** will be the **Manager of the Liquor License**. The existing premises consists of an area approximately 2,000 sq. ft., which includes Two (2) rooms for dining, a small function room, a bar area, along with a kitchen and storage area; The applicant is also **Petitioning to Alter the Premises** to include an outside patio area approximately 5200 sq. ft., which will be enclosed by an 8 ft. airport approved chain-link fence. The enclosed area will consist of an area for dining, a fire pit, a small stage area, and an area for lawn games, which will be only accessible through the function room by way of hostess seating. The main entrance/exit is located inside the main terminal building into the restaurant, with a secondary entrance/exit located into the function room from the parking lot area; along with an emergency exit through the kitchen/storage area.

There are two (2) handicapped restrooms located in the 'common area' of the main terminal building, in which alcohol will not be allowed. Premise is situated on that part of the airport located in the City of New Bedford Main Terminal Building, which is under control of the New Bedford Airport Commission, and **numbered 1569 Shawmut Avenue.**

Final approval will require a '**Change of Tenant**' from the Building Department, a '**Food Permit**' from the Health Department, '**Proof of Liquor Liability**', and **304 Certificate from the Fire & Building Depts.**

Application has been advertised; Abutters Have Been Notified

Tabled at 07/22/19 Meeting

10. Hearing: EMR Grill, INC. d/b/a Butler Flats Bar & Grill

Mr. Emanuel M. Ramos, Manager/Owner

38-42 Cove Street

Re: Approved 07/23/18

Prior Renewal Hearings: (3)

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 314, on Monday evening, August 26, 2019 at 7:00 p.m.**, to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

Decision of 07/22/19 Meeting

As a result of the open hearing held on Monday, July 22, 2019 to determine the status of your annual liquor license for the year 2019, the **Board voted unanimously to table the matter until this Board's August 26, 2019 meeting.**

The Board's decision was based on your intention to open as soon as you've received your final approvals.

The Board has the expectation that you will be **operational by August 23, 2019**, if so, you will not be required to attend the August 26, 2019 meeting.

***** Special One-Day Licenses (11) *****

11. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Lecture/Reception'; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, August 1, 2019, from 6:00 p.m. until 7:00 p.m.**

12. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Joclyne Nunes, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Concert Reception'; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, August 10, 2019, from 6:00 p.m. until 7:00 p.m.**

13. APPLICATION, (No Representation Required)

Cynthia Garcia Retirement Committee, Cynthia A. Garcia, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Retirement Party'; to be held in at the **Low Tide Yacht Club**, located within **FT. Taber Park**; and to be held on **Saturday, August 24, 2019 from 6 p.m. until 11:00 p. m.**

14. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '9th Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 24, 2019, from 6:00 p.m. until 11:00 p.m.**NO CHANGES, AS PREVIOUSLY APPROVED****

15. APPLICATION, (No Representation Required)

Club Recordacoes De Portugal, Inc. Trish Chaves, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '90th Anniversary Celebration'; to be held in the "**Club Parking Lot**", located at **253 Coggeshall Street**; and to be held on **Sunday, August 25, 2019 from 11:00 a.m. until 9:00 p. m.**

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

16. APPLICATION, Representation Required)

Food Truck Festivals of America. LLC, Leslie Lakis, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for the '3rd Annual New Bedford Food Truck Festival' to be held at **Fort Taber Park on the Great Lawn**; and to be held on **Saturday, September 14, 2019, from 11:00 p.m. until 5:00 p.m. (Last Call at 4:30 p.m.). *** A Security Plan has been submitted.*****

(Liquor Liability with the City named as additionally insured on certificate is required along with a copy of the Police Detail Contract) **NO CHANGES, AS PREVIOUSLY APPROVED**

17. APPLICATION, (No Representation Required)

Beverly Rebello, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'New Bedford Vocational Student' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, September 14, 2019, from 5:00 p.m. until 11:00 p.m. (Wristbands Will Be Issued)**

18. APPLICATION, (No Representation Required)

Acushnet Veterans Memorial Committee, Thomas J. DaCosta, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Adam Taylor Foundation Fundraiser' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Sunday, September 22, 2019, from 1:30 p.m. until 5:30 p.m. (Final approval will require a copy of the Police Detail Contract)**

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

19. APPLICATION, (No Representation Required)

Dennison Memorial Community Center, Inc., Beatriz Oliveira, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Dennison Founders Award Dinner'; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, September 27, 2019, from 6:00 p.m. until 10:00 p.m.**

19. APPLICATION, (No Representation Required)

Carl Lee Pacheco Memorial Trust Fund, Inc. Jeff Coutinho, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Carl Lee Pacheco Memorial Fundraiser'; to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Saturday, September 28, 2019, from 5:00 p.m. until 11:00 p.m.**

20. Hearing: Tropicana Bar & Grille, Inc.

Mr. Miguel Barbosa, Manager/Co-Owner
1700 Purchase Street

Your presence is requested at a hearing of the New Bedford Licensing Board to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations and Licensing Board Rules and Regulations. The Board will review the proliferation of calls to service to your establishment by the New Bedford Police Department. There is continued concern regarding the number of late-night disturbances and incidents taking place in and around your establishment as well as a report of a minor being found on the premises. The Board has concerns where you were recently warned about these disturbances, yet they continue to occur which brings into question your ability to provide a safe and secure premise for your patrons.

Upon review of the facts, the Licensing Board may act to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

The potential violations are as follows:

M.G.L Ch. 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.

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 premise.

Licensing Board Regulation Nos. 11 & 12-

Excessive Noise, Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident

Police Department incident report states that while assigned to Station One Desk, Officers received a complaint from three females who stated that they were at Tropicana Bar & Grille when one of them was attacked at closing time (2:00 a.m.) when they were walking out of the bathroom. They stated that she was punched in the head and a fight ensued. During the fight, one of the attackers dropped a New Bedford High School Photo I.D. The check of the name on the I. D. came back as an individual with a date of birth of 09/29/96, which would make the female under that of the legal drinking age.

Date and time of alleged violations: Saturday, June 8, 2019 @ approximately 2:00 a.m. - Police Report # 19-6490-OF

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

21. Hearing: Tropicana Bar & Grille, Inc.

Mr. Miguel Barbosa, Manager/Owner
1700 Purchase 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 based on 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 Ch. 138, sec. 12)

22. Hearing: Cork County, Inc. d/b/a Slainte Irish Pub & Grille

Mr. Barry W. Flynn, Manager
34 Union Street

Your presence is requested at a hearing as a result of an incident that occurred within and outside of your establishment on June 10, 2019 at approximately 1:30 a.m.

The report states that a patron at your establishment filed a complaint that he and a friend were assaulted by your bouncers without cause. As you are aware, we have received a number of complaints regarding your bouncers acting in an overly aggressive and violent manner. Video of the incident confirms the complaint.

Based on our findings from the hearing, the Board may act to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

Date and time of alleged violations: Sunday, June 9, 2019 @ approximately 1:30 a.m.

Police Report # 19-6632-OF

23. Hearing: Cork County, Inc. d/b/a Slainte Irish Pub & Grille

Mr. Barry W. Flynn, Manager
34 Union 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 based on 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 Ch. 138, sec. 12)

- **CORRESPONDENCE**

From: Atty. Madelyn H. Genereux **Dated -07/10/19** **Received - 07/12/19**

Re: Alam & Sarker, LLC d/b/a Star Market **317-321 Rivet Street**

Notice of Appeal: A written notice of an appeal to the ABCC, with regard to the Licensing Board's Decision of February 25, 2019, to deny their application for a "New" Retail Package Store Wine & Malt Only Beverages license.

From: ABCC **Dated -03/12/19** **Received - 03/13/19**

Notice Of Hearing: You are hereby notified that a hearing will be held by the ABCC on June 20, 2019 at 10:00 a.m. regarding an appeal from the action of the City of New Bedford License Commission for denying the sec. 15 Wines and Malt Beverages Retail Package Store Application of Alam and Sarker, LLC d/b/a Star Market to be exercised at 317-321 Rivet Street, N.B., MA.

Re-Scheduled Date - October 17, 2019 at 1:30 p.m.

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

Monday, 7/8/19 - 5:56 p.m. - Disturbance at **Slainte**. Male reported "attacking the owner." Gone when police arrived.

Wednesday, 7/9/19 - 2:46 a.m. - Disturbance suppressed at the **Garden**. Male refusing to leave.

Saturday, 7/13/19 - 1:40 a.m. - Two males charged with assault & battery and disorderly conduct after fight outside **Greasy Luck**.

Saturday, 7/20/19 -2:36 a.m. - Two males charged after fight in Pleasant St/Middle St area. Charges included assault & battery, assault & battery with a dangerous weapon, and failure to stop for police. Incident apparently originated at **Greasy Luck**.

Sunday, 7/28/19 - 1:27 a.m. - Three males arrested after fight in **Greasy Luck Brewpub**. Charges included disorderly conduct, assault & battery, and assault & battery on a police officer.

Monday, 7/29/19 - 2:06 a.m. - Disturbance suppressed outside **Rose Alley**. Intoxicated male refusing to leave premises.

Saturday, 8/3/19 - 12:49 a.m. - Disturbance suppressed at **Slainte**. Intoxicated female placed in protective custody.

Friday, 8/9/19 - 8:26 p.m. - Disruptive male removed from **Garden** at bartender's request.

Friday, 8/9/19 - 11:50 p.m. - Intoxicated male placed in protective custody at **Greasy Luck**.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. New Bedford Bar & Grill	#19 - 9320 - OF	08/10/19	Late Night Disturbance/ Overcrowding/Failure To Post Permits (Approximate Time of Violation 1:20 a.m.)
2. Whiskey Lounge	#19 - 9396 - OF	08/12/19	Stabbing Incident/Failure To Co-Operate/Hindering (Approximate Time of Violation 12:54 a.m.)

3. Zully's

#19 – 9594 -OF

08/16/19 Intoxicated Employee
(Approximate Time of Violation 7:16 p.m.)

- **NEXT TWO MEETING DATES: September 23rd & October 21st both on Mondays, in Room 314**
- **MEETING ADJOURNED:**

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact Nick Nanopoulos at **508-979-1457** (Nicholas.Nanopoulos@newbedford-ma.gov) or **Mass Relay 711**. Requests should be made as soon as possible but at least **48 hours** prior to the scheduled meeting.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law.

Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.