

**REQUIRED: Steven A. Beuregard, 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**

- **APPROVALS RECEIVED FROM THE ABCC (3)**

**“NEW” CV Wine & Malt Only Beverages License & Pledge of License – New Trans #04927-RS-0778. - Plot # 103--97 (Old # 238-RS-0778)**

**JME Enterprises, Inc. d/b/a David’s Restaurant Grill and Mix Foods, David Jimon-Guarcas, President**, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, David Jimon Guarcas will be the President, Treasurer, Secretary, Co-Director, and Sole Shareholder (100%); and **Kathyria Ayala** will be a Co-Director and the **Proposed Manager of the Liquor License**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) Wine & Malt Only Beverages License to ALA Leasing, LLC**, with an address of **3035 Anderson Drive, Dighton, MA.** as security to authorize and execute a promissory note in the amount of **Three Hundred & Forty-Three Thousand Dollars (\$343,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. The proposed licensed premise consists of an area approximately 4,861 sq. ft., which will include a bar area, dining area, function room, kitchen and kitchen prep area, storage room, office, coolers for alcohol, and two restrooms on the first floor of a three-story building. Alcohol will also be stored in the basement. The premise is situated on the southeast corner of Church and Earle Streets, and will be numbered **70-76 Church Street**.

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

**Approved by the ABCC – 05/24/19****Transfer of License - Trans. #00124-RS-0778 – Plot # 53--252**

**Black Whale, LLC d/b/a Black Whale, Albert J. Santos, Sole Director**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Servedwell Fisherman’s Pier, LLC d/b/a Black Whale**. Upon approval, Stephen T. Silverstein will be the Sole Member, Sole Manager, and Sole Interest Holder (100%); and **Stephen T. Silverstein** is also the **Proposed Manager of the Liquor License**. The premise will remain the same as follows: The licensed premises consist of an area approximately 4,266 sq. ft. on the first floor of a one-story building, which includes a dining area and bar area, which has an occupancy of 150 patrons, and a kitchen, and two handicapped restrooms; which will have one main entrance/exit on the north side of the building onto Co-Op Wharf, and an emergency exit located on the northwest corner of the building. The licensed premises will also include a raised outdoor patio area approximately 3,280 sq. ft., which is contiguous to the main dining area on the east side of the building with an occupancy of 180, and is located on the east side of the building with two entrances/exits into the main restaurant area, along with a handicap ramp adjacent to the main entrance. **\*\* The indoor and outdoor occupancy shall not exceed 150 patrons combined.** **\*\***There is also an area for the storage of alcohol in the basement. The premise is situated on Co-Op Wharf, and is numbered **104-106 Co-Op Wharf**.

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

**Approved by the ABCC – 06/03/19****Change of Description (Addition of Sidewalk Café) - Trans. #03804-RS-0778 – Plot # 53--132L**

**Noodle Bowl New Bedford, LLC d/b/a The Noodle Bowl, James G. Jezierski, Co-Manager of the LLC**, who is petitioning for a **Change of Description** of the **Common Victualler (Restaurant) Wine & Malt Only Beverages License to include an outdoor ‘Sidewalk Café’ seating area**. The 130 sq. ft. outdoor ‘Sidewalk Café’ area, which will be enclosed with a 2” Nautical Rope and Bollards, will be used for **seated dining purposes only**. The enclosed area, which will include three (3) tables with seating for three (3) patrons, which will allow for the seating of nine (9) patrons, will be located on the West side (front) of the building, which is contiguous to the licensed premises.

The proposed outdoor area **will only be accessible** by way of an entrance/exit on the north 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 be one entrance/exit that leads to the front door of the establishment.

The proposed hours of operation are **daily from 11:00 a.m. until Close of Business or Midnight, whichever is earlier, at which time all outdoor activity must cease. Also, yearly use of the license is allowed and no permanent structures are allowed**, in accordance, and as specified in the 'Revised' City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (As Adopted 06/05/18)). The premises will remain numbered **768 Purchase Street**.

**1. Petition - Trans. #00114-GP-0778 – Plot # 52--224**

**Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub, Phillip C. Beard, Sole-Director**, for a license currently issued at **672-674 Pleasant Street**, who is petitioning to **Transfer a General on Premise All Alcoholic License to Union Flats Seafood , LLC d/b/a Union Flats Seafood Co.** The petitioner is also requesting a **Change of Location from 672-674 Pleasant Street to 37 Union Street; and a Change of License Type from a General on Premise AA to a Restaurant AA license.** Upon approval, Amelia Ruvich will be a Co-Manager and Co-Interest Holder (34%) of the LLC, and Joshua Lemaire and Christopher Cronin will also be Co-Managers and Co-Interest Holders (33% ea.) of the LLC. **Amelia Ruvich will be the Manager of the Liquor License.** The petitioner is also requesting approval of a **Pledge of the Common Victualler All Alcoholic Beverages License to the New Bedford Economic Development Council, Inc.** with an address of **1213 Purchase Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred & Twenty Thousand Dollars (\$120,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Upon completion of the proposed renovations, the premise will consist of one room on the first floor of a one – story building, in an area approximately 2,700 sq. ft., which includes a dining area and a bar area, a food prep area, a kitchen, three (3) handicapped access restrooms, and a walk-in cooler. There will also be an outdoor patio area approximately 448 sq. ft. (16' X 28') to be used as a 'Sidewalk Café', which will be enclosed with 21" high planters that will be used to rope off the described area, and will be used for seated dining purposes only. The enclosed area, which will include Six (6) Tables for the seating of Twenty-Four (24) patrons, will be located on the south side of the building, which is contiguous to the licensed premises. The proposed 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 proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be an annual license, which will expire on December 31<sup>st</sup>**, 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 licensed premise is situated on the North Side of Union Street between Johnny Cake Hill and Front Street, with an entrance/exit onto Union Street, with an emergency exit located at the rear of the building on the North Side of the building. The premises will be numbered **37 Union Street**.

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*

**2. Petition - Trans. #04950 – RS – 0778 – Plot # 53--252 (No Representation Required)**

**Servedwell Fisherman's Pier, LLC d/b/a The Black Whale, 104-106 Co-Op Wharf, Stephen T. Silverstein, Co-Manager of LLC**, is requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to St. Anne's Credit Union.** with an address of **3087 Acushnet Avenue, New Bedford, MA.,** as security to authorize and execute two promissory notes in the amounts of **One Million Four Hundred Fifty Thousand Dollars (\$1,450,000.00) and One Million Four Hundred Forty Thousand Dollars (\$1,440,000.00),** pursuant to Massachusetts General Laws Ch.138 s.23: both given by the **Pledgor and Servedwell Dartmouth, LLC to St. Anne's Credit Union.**

*Advertisement nor Abutters Notification Required*

**3. Petition - Trans. #00209-CL-0778 – Plot # 93--181 (No Representation Required)**

**Centro Luso Americano Club, Inc., John Gomes, 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, John Gomes will remain as the President, Dean Pires will remain as the Vice-President, Michelle Pereira will be the new Treasurer, and Billie Jo Cardella will be the new Secretary; and Luci Carvalho, and Kimberly Medeiros will remain as Co-Directors. **Michelle Pereira** will remain as the **Manager.** Premises will remain the same at **34 Beetle Street.**

*Advertisement nor Abutters Notification Required*

**4. Petition - Trans. #00054 – CL – 0778 – Plot # 93--92 (No Representation Required)**

**Club Recordacoes De Portugal, Inc., Antonio DaSilva, 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, Antonio DaSilva will be the President and a Co-Director, Bruno Ramos will be the Vice-President and a Co-Director, Carlos Chaves will be the Treasurer and a Co-Director, and Jessica Miranda will be the Secretary and a Co-Director; and Avelino Sequeira and Alipio Dos Anjos will both be Co-Directors. Premises will remain the same at **249 – 253 Coggeshall Street**.

*Advertisement nor Abutters Notification Required*

**5. Petition - Trans. #00004 – CL – 0778 – Plot # 104--7 (No Representation Required)**

**Club Sport Madeirense, Inc., Richard Fernandes, 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, Richard Fernandes will be the President and a Co-Director, Carlos Fernandes will be the Vice-President and a Co-Director, James Fernandes will be the Treasurer and a Co-Director, and John Fernandes will be the Secretary and a Co-Director; and Brian Fernandes and Robert Bertoldo will both be Co-Directors. Premises will remain the same at **1624 - 1632 Acushnet Avenue**.

*Advertisement nor Abutters Notification Required*

**6. Petition - Trans. #00027 – CL – 0778 – Plot # 108--8 (No Representation Required)**

**New Bedford Sports Club, Inc., Francisco Fonseca, 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, Francisco Fonseca, will remain as the President, Jose Pimentel will remain as Treasurer, and Maria Deolinda Vieira will be the (new) Secretary; and Joao Medeiros, Maria C. Vieira, Luis Vieira and Antonio Vieira will all be Co-Directors. **Luis Vieira** will remain as **Manager**. Premises will remain the same at **1792 Acushnet Avenue**.

*Advertisement nor Abutters Notification Required*

**7. Petition - Trans. #00073 – CL – 0778 – Plot # 25--88 (No Representation Required)**

**Portuguese Sports Club, Inc. Nelson A. Rodrigues, 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, Nelson A. Rodrigues will be the President, Vice-President, Treasurer, Secretary; and Sole Director. **Nelson A. Rodrigues** will remain as the **Manager**. Premises will remain the same at **56 Delano Street**.

*Advertisement nor Abutters Notification Required*

**8. Petition - Trans. #00034-CL-0778 – Plot # 127-D-200 (No Representation Required)**

**Private A. Poirier Post #3260, Veterans of Foreign Wars of the U.S., Inc., Dennis A. Pelletier, 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, Dennis A. Pelletier will be the President and a Co-Director, Paul N. Guilbeault will be both Treasurer and Secretary; and Richard D. Deneault and Delfino R. Garcia will be Co-Directors. **Paul N. Guilbeault** will remain as **Manager**. Premises will remain the same at **281 Appleton Street**.

*Advertisement nor Abutters Notification Required*

**9. Hearing: Cultivator Shoals, Inc. d/b/a Cultivator**

**Mr. Jason P. Lanagan, Owner**  
**29 Union Street**

Your presence is respectfully requested at a hearing to discuss compliance issues with your outside seating area and whether your establishment has a fully functional kitchen.

It has been brought to our attention that patrons have been observed smoking and drinking out of glass containers without the required presence of staff in the outside area. Additionally, if the establishment does not have an operational kitchen, then any use of the outside area is prohibited. Please note the following:

**City Ordinance Chapter 15, Article VI - sec. 15-100 - Outdoor café permit**

(ii) No portion of an outdoor café may be used for any purpose other than seated dining or circulation. Outdoor cafés must serve food. No one shall be seated in an outdoor café for the sole purpose of drinking alcohol, nor can the outdoor café be used as a place for patrons to drink while standing.

(iii) The outdoor café area cannot be used for smoking.

You are requested to bring with you your Sidewalk Café License to the hearing as you may be required to relinquish same depending on the Board's findings.

**10. Request: Cultivator Shoals, Inc. d/b/a Cultivator**

**Mr. Jason P. Lanagan, Owner**  
**29 Union Street**

The licensee is requesting that he be allowed to serve coffee starting at 6 a.m. daily, with the understanding that all the liquor must be removed from the bar area. Under no circumstances can alcohol be allowed to be served prior to 8:00 a.m. on Monday through Saturday, and prior to 11:00 a.m. on Sunday.

**11. Hearing: United Fishermen Club, Inc.**

**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 On Going Since the 10/23/17 Meeting---Matter Was Last Discussed At the 02/25/19 Meeting\*\***

**12. 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\*\***

**13. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant**

**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\*\***

**\*\*\* Special One-Day Licenses (8) \*\*\***

**14. 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 'Reception and Lecture'; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, June 7, 2019, from 5:00 p.m. until 6:45 p.m.**

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

**Giraldo's Rest., Inc. d/b/a Adriana's Mexican Restaurant, Martha Gonzalez, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal Celebration' to be held on **Acushnet Avenue (from Bullard Street to Beetle Street** and to be held **Friday, June 7, 2019 from 6:00 p.m. until 11:45 p.m., Saturday, June 8, 2019 from 12:00 p.m. until 11:45 p.m., and Sunday, June 9, 2019 from 12:00 p.m. until 10:00 p.m.**

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

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

**Rotch-Jones-Duff House, Jessica Brodeur, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Fundraiser' event to be held at the **Rotch-Jones-Duff House**, located at **396 County Street**; and to be held on **Saturday, June 15, 2019, from 6:00 p.m. until 9:00 p.m.**

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

**Azorean Maritime Heritage Society, Diane Kieltyka, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Sail of Portugal Wine Tasting' ; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, June 15, 2019, from 6:00 p.m. until 8:00 p.m.**

**18. 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, June 29, 2019 from 6:00 p.m. until 11:45 p.m.** **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**Verdean Veteran's Memorial Foundation, Diane Pina, President**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **561 Purchase Street**; and to be held on **Saturday, July 6, 2019, from 10:00 a.m. until 7:00 p.m.**

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

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

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

**The Monte Pio Luso Americano Corp., Helder Almeida, Treasurer**, requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for their 'Annual Holy Ghost of Acores Feast' to be held in the '**Club Parking Lot**', located at **540 Orchard Street**, and to be held on **Friday, July 19, 2019 and Saturday, July 20, 2019, from 6:00 p.m. until 11:45 p.m. each night; and Sunday, July 21, 2019, from 12:00 p.m. until 10:30 p.m.**

*(A Copy of the Police Detail Contract is Required)*

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

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

**Lisa Rockwell, Applicant**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Wedding Reception', to be held at the **Fort Taber Community Center**, located within **Ft. Taber**; and to be held on **Saturday, July 27, 2019, from 3:00 p.m. until 10:00 p.m.** *(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured; along with a copy of the Catering License)*

- **Friday Nights on the Summer Concert Series - Special One-Day Licenses (6) - (No Representation Required)**  
Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract; Concert series will begin on Friday on July 5<sup>th</sup> and will be held every Friday through August 9 **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

## **22. APPLICATION,**

City of New Bedford Tourism, Dagny Ashley, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 5, 2019, from 6:00 p.m. until 8:00 p.m.**

## **23. APPLICATION,**

City of New Bedford Tourism, Dagny Ashley, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 12, 2019, from 6:00 p.m. until 8:00 p.m.**

## **24. APPLICATION,**

City of New Bedford Tourism, Dagny Ashley, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 19, 2019, from 6:00 p.m. until 8:00 p.m.**

## **25. APPLICATION,**

City of New Bedford Tourism, Dagny Ashley, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 26, 2019, from 6:00 p.m. until 8:00 p.m.**

## **26. APPLICATION,**

City of New Bedford Tourism, Dagny Ashley, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 2, 2019, from 6:00 p.m. until 8:00 p.m.**

## **27. APPLICATION,**

City of New Bedford Tourism, Dagny Ashley, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 9, 2019, from 6:00 p.m. until 8:00 p.m.**

## **28. Hearing: County Liquors, Inc.**

**Mr. Divyesh Patel, Manager/Owner**  
**642 County Street**

### *1<sup>st</sup> Offense*

**Your presence** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of M.G. L., ABCC, and/or Licensing Board Rules & Regulations. This hearing will address two incidents, with the first one occurring on April 25, 2019 and the second occurring Five (5) days later on April 30, 2019, which involved the same person who was served while being intoxicated.

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

The potential violations are as follows:

### **Violations: Massachusetts General Laws Chapter 138,section 69-**

No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premise.

**NOTE:** It does not matter whether or not that person is driving. Studies show that approximately 20% of alcohol –related accidents involve pedestrians. Every licensee should have clear policies known to all staff on offering assistance to an intoxicated person, including when to call the police.

### **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. 10-**

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated.

**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 #'s #19 – 1191-AR & #19 – 1247 - AR**

**29. Hearing: A.O.F. New Bedford, Inc. d/b/a Fernando's Sports Bar**

**Mr. Jose L. Ferreira, Co-Owner/Manager**

**116 County Street**

***1<sup>st</sup> Offense***

**Your presence** and that of **Patricia Oliveira, Bartender**, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations.

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

They are as follows:

**M.G.L Ch. 138, sections 63-**

Agents of the local licensing authorities may enter a licensed premise at any time to ascertain the manner in which the business is being conducted; It is a violation to hinder, delay, refuse to provide information to or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority in the performance of his or her duty.

**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. 11 & 12-**

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 Report #1**

The Police Department Incident Report states that Officers were dispatched to Fernando's Sports Bar on a report of a fight in progress. Upon arrival, the Officers observed people in the middle of the street which was causing traffic to stop, in turn causing a backup heading north and south on County Street; but did not see a fight. Other patrols arrived to assist in dispersing the large crowd which had come from the bar area, mainly patrons from Fernando's.

When asked by the reporting officer, if they had security on duty, both stated that they did not have security working that evening.

The officer noted in his report that the bar becomes very busy with gang affiliated members on weekend nights; and that upon arrival, the bar staff did not assist in clearing out their patrons from in front of their bar; and argued with police, that they could not force their patrons to clear the sidewalk during business hours.

**Date and time of alleged violations: Sunday, May19, 2019 @ approximately 2:01 a.m.**

**Police Report # 19 – 5589 - OF**

**Summary of Incident Report #2**

The Police Department Incident Report states that Officers were dispatched to Fernando's Sports Bar on a report of a panic alarm. Upon arrival, Mr. Ferreira came to the door and stated that they did not need the police. Upon advising Mr. Ferreira that the panic alarm was pushed, the officers were allowed into the bar where they observed a few patrons sitting at the bar.

When the officers were interviewing Mr. Ferreira, the officers overheard a female bartender say to one of the patrons, "you're not going to tell the police what happened?"

Upon speaking to the patron who appeared to have been assaulted, the male stated that three young males who were in the bar had assaulted him by punching him in the face. The male stated that he observed the three males steal a man's cell phone when he had fallen asleep at the bar, and who in turn became upset and assaulted him when he confronted him.

Mr. Ferreira (owner) stated that he did not see any of this happen, but did agree to show the officers the video surveillance: but due to password errors, the officers were able to view the video surveillance of what had occurred in the bar.

However, once we were back downstairs in the bar and while speaking to the victim again, the reporting officer heard Mr. Ferreira say, "I got in the middle of them when they started to fight to break it up. (*Note: Mr. Ferreira had stated earlier he did not see any fight and changed his story prior to the police leaving the bar.*) The reporting officer noted in his report that he felt that the staff may have been trying to cover minor disturbances to avoid penalties.

**Date and time of alleged violations: Monday, May 20, 2019 @ approximately 1:47 a.m.**

**Police Report # 19 – 5622 – OF---“SEE UPDATED REPORT”**

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

- **CORRESPONDENCE**

--NONE

- **COMPLAINTS RECEIVED:**

--NONE—

- **DOWNTOWN DISTURBANCES**

**Saturday, 5/4/19 - Call #19 - 45263 - 12:11 a.m.** – Disturbance suppressed at **Greasy Luck**.

**Monday, 5/6/19 - Call #19 - 46318 - 9:14 p.m.** - Disturbance suppressed outside **Greasy Luck** – Highly intoxicated female.

**Monday, 5/13/19 – Call #19 - 48842 – 2:00 a.m.** – Large group reported fighting outside **Rose Alley**. One male arrested and charged with disorderly conduct.

**Saturday, 5/25/ 19 – Call #19 – 53626 - 1:50 a.m.** – A male was arrested and charged with disorderly conduct at the **Greasy Luck**; detail officer observed two males arguing, told them to leave, and one wouldn't leave.

**Sunday, 5/26/19 - Call #'s 19 - -54006 & 54009 - 1:37 a.m. & 1:43 a.m.** - Disturbance suppressed at **Greasy Luck**.

**Friday, 5/31/19 – Call #19 – 56343 - 11:38 p.m.** – Male charged with consuming alcoholic beverages on a public way after fight at **Greasy Luck**.

**Saturday, 6/1/19 – Call #56362 - 12:17 a.m.** - Male charged with disorderly conduct after disturbance at **Greasy Luck**

**Sunday, 6/2/19 – Call #19-56809 - 1:40 a.m.** - Male and female arrested after fight at **Rose Alley**. Both charged with disorderly conduct. Female also charged with interfering with a police officer and assault & battery on a police officer.

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

<b><u>NAME</u></b>	<b><u>POLICE REPORT#</u></b>	<b><u>DATE</u></b>	<b><u>VIOLATION</u></b>
1. Ilha Verde Café	#19 – 6177 – OF	06/01/19	Patron Stabbed/ Patron Intoxicated (Approximate Time of Violation 9:39 p.m.)
	#19 – 6538 – OF	06/09/19	Intoxicated Male (Approximate Time of Violation 1:59 a.m.)
	19 – 1848 – AR	06/09/19	Intoxicated Female/Unruly Patron (Approximate Time of Violation 1:59 a.m.)

- **NEXT TWO MEETING DATES: July 22<sup>nd</sup> August 26<sup>th</sup> 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.