



Licensing Board

January 21, 2014 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 205

****View Minutes****

REQUIRED: Steven A. Beaugard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

a/o 01/15/14

Edmund F. Craig, Jr., Commissioner

Atty. John Flor, Asst. City Solicitor

Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF NOVEMBER 18, 2013

MOTION TO ACCEPT THE MEETING MINUTES OF DECEMBER 16, 2013

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Director - Trans. # 174 – Plot # 18—107 (No Representation Required)

People’s Super Liquor Store, Inc., d/b/a Douglas Wine & Spirits, John Haronian, President, who is requesting a **Change of Director** of the **Retail Package Store All Alcoholic Beverages License**. Carlos Daponte is also petitioning to accept his resignation as Sole Director in the corporation. Upon approval, John Haronian will remain as President, Treasurer, Secretary, and Sole Stockholder (100%); and **James W. Clarkin** will be the (New) **Sole Director**. **Donald S. Underhill** will also remain as **Manager**. Premises will remain the same at **446 Dartmouth Street**.

Approved By ABCC – 12/18/13

Transfer - Trans. #178 – Plot # 97--41

Nelia Cardoso d/b/a Chuck’s Liquors, Nelia Cardoso, Sole Owner, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License** to **Hoan Enterprises, Inc. d/b/a Chuck’s Liquors**. Upon approval, Hoan Minh Le will be the President, Treasurer, Secretary, Sole Director, and Sole-Shareholder (100%); and **Hoan Minh Le** is also the **Proposed New Manager**. Premises will remain the same at **60 Nauset Street**.

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

Approved By ABCC – 11/27/13

Rec’d 12/13/13 – A written request by both the seller and buyer to reverse the transfer and withdraw the application.

VOTED: Not to accept the approval, and approve the request to reverse the transfer and withdraw the application as presented.

Approved By ABCC – 12/18/13

Transfer - Trans. # 137 – Plot # 50--34

KNT Enterprises, Inc. d/b/a Kirby’s Irish Pub, Bruce Kirby, President, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **JAKIBRI, LLC d/b/a Kirby’s Irish Pub**. Upon approval, Brian Kirby and Jason Kirby will be Co-Members, Co-Managers, and Co-Interest Holders (50% ea.) of the LLC; and **Jason Kirby** is also the **Proposed Manager of the Liquor License**. Premises will remain the same at **818 Kempton Street**.

Approved By ABCC – 12/23/13

1. PETITION - Trans. # 209 – Plot # 93--181

Centro Luso American Club, Inc., 34 Beetle Street, is requesting the approval of **John Tomasia**, who resides at **265 Maple Street, New Bedford, MA**. as their new manager.

2. PETITION - Trans. # 095 – Plot # 106--137

Clube Ponta Delgada, Inc., 61-65 Madeira Avenue, is requesting the approval of Walter Gibau, Jr. who resides at 483 Kempton Street, New Bedford, MA. as their new manager.

3. PETITION - Trans. # 040 – Plot # 104--64

Whaling City Club, Inc., 447 Belleville Avenue, is requesting the approval of Carlos Ferreira, who resides at 79 Charles Street, New Bedford, MA. as their new manager.

4. PETITION - Trans. # 204 – Plot # 17--181 (No Representation Required)

ALA & MALI, LLC d/b/a MM Convenience, Mohammad M. Alam, Managing Member, who is petitioning to transfer a Retail Package Store Wine & Malt Only Beverages License to ALA, LLC d/b/a MM Convenience. Upon approval, Mohammad M. Alam will be the Manager of the LLC and Co-Interest Holder (75%), and MD. Mashum Sarker will be a member of the LLC and a Co-Interest Holder (25%); and Mohammad M. Alam is also the Proposed New Manager of the Liquor License. Premises will remain the same at 30 Rockdale Avenue.

Application has been advertised.

5. PETITION - Trans. # 182 – Plot # 84--202 (No Representation Required)

Sakellarios Vallas d/b/a Premium Liquors, who is petitioning to transfer a Retail Package Store All Alcoholic Beverages License to Vallas Enterprises, Inc. d/b/a Premium Liquors. Upon approval, Sakellarios Vallas will be the President, Treasurer, Secretary, Sole Director, and Sole-Shareholder (100%); and Sakellarios Vallas is also the Proposed Manager. Premises will remain the same at 1926 Purchase Street.

Application has been advertised.

6. PETITION - Trans. # 035 – Plot # 109--362 (No Representation Needed)

The Three Pumpkins, Inc. d/b/a The Brown Jug Tavern, Elizabeth Lajoie, President, who is requesting approval of a Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Andrew Duponte, of 39 Southwind Way, Dartmouth, MA., as security to authorize and execute a promissory note in the amount of Thirty Thousand Dollars (\$30,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.

Note: The Corporation is pledging its liquor license to Mr. Duponte to secure the payment of settlement of his claim against the corporation for \$30,000.00. The settlement will be paid in equal monthly installments of \$5,000.00, effective January 23, 2014.

7. APPLICATION, (No Representation Required)

ICJ Corp. d/b/a Freitas Package Store, Mark Riley, Manager who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for a ‘Mayor’s Inaugural Reception’, to be held at the New Bedford Whaling Museum, located on 18 Johnny Cake Hill; and to be held on Monday, January 6, 2014 from 7:00 p.m. until 11:00 p.m.

8. APPLICATION, (No Representation Required)

New Bedford Art Museum, Gabriel Ferreira, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for an ‘Opening Reception’, to be held at the New Bedford Art Museum, located on 608 Pleasant Street; and to be held on Friday, January 17, 2014 from 6:00 p.m. until 8:00 p.m.

9. APPLICATION, (No Representation Required)

Artwork’s, Alicia Moretti, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for an ‘Opening Reception’, to be held at Artwork’s, located on 384 Acushnet Avenue; and to be held on Thursday, January 30, 2014 from 5:00 p.m. until 7:00 p.m.

- **CORRESPONDENCE,**

Re: Boa Vida Five Star Imports, Inc. d/b/a Boa Vida Imports **2243 Purchase Street**
Re-Scheduled Hearing Date – Wednesday, December 18, 2013 @ 10:30 a.m.; an appeal hearing will be held on the action of the N.B. Licensing Board in denying the application for a New Wine & Malt License for the above referenced applicant.

Continued from 08/14/13

DECISION: Applicant did not appear for the 2nd time, a call was placed by the Commission, which resulted in a request for a continuance; The Commission denied the request and dismissed the matter with prejudice after a motion by Atty. Jaikes on behalf of the local Licensing Board of New Bedford.

From: Kim S. Gainsboro, ABCC Chairman **Dated – 12/30/13 Received – 01/02/14**

Re: Madeira Café, Inc. **70-76 Church Street**

Re-Scheduled Hearing Date: Thursday, February 27, 2014 @ 10:00 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. 64, **Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 151A sec.14.**

DUA (Unemployment Insurance) CONTINUED FROM 11/21/13

GRANTED In City Council December 19, 2013 **Received 01/08/14**

The undersigned (**Tony's Service Center & Sales, 832 Rockdale Avenue**) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Motor Vehicle (Used) Car Sales.**

IN CITY COUNCIL, December 19, 2013

SPECIAL PERMIT GRANTED

Rita D. Arruda, City

Clerk

Presented to the Mayor for approval December 23, 2013

Rita D. Arruda, City

Clerk

Approved on January 2, 2014

Jonathan F. Mitchell, Mayor

GRANTED In City Council December 19, 2013 **Received 01/08/14**

The undersigned (****Portuguese Brotherhood of the Divine Holy Spirit, Inc, 199 Bonney Street**) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Motor Vehicle (Used) Car Sales.**

IN CITY COUNCIL, December 19, 2013

SPECIAL PERMIT GRANTED

Rita D. Arruda, City

Clerk

Presented to the Mayor for approval December 23, 2013

Rita D. Arruda, City

Clerk

Approved on January 2, 2014

Jonathan F. Mitchell, Mayor

*****Proposed Buyer: Irmandade Do Divino Espirito Santo Das Nove Ilhas Dos Acores, Inc.**

• **COMPLAINTS RECEIVED:**

--NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Temptations Hours	13 – 14730-OF	12/13/13	Consuming Alcohol After
(Approximate Time of Violation 2:15 a.m.)			

• **The following licenses have not been renewed as of 01/15/13 (Last day to renew was 12/31/13):**

Common Victualler (Restaurant) -

1. Chocolate Com Pimenta, 1277 Acushnet Avenue – Called on 01/07/14

2. Golden Greek Restaurant, 1103 Acushnet Avenue – Called on 01/07/14 & 01/13/14
3. Homlyke Bakery, 948 Ashley Boulevard – Unable to contact - Closed for Vacation
4. Homlyke Bakery, 321 Dartmouth Street – Unable to contact - Closed for Vacation
5. Honeydew Donuts, 260 Coggeshall Street – Possible New Owner
6. Jimmy’s Hot Dogs, 753 Purchase Street – Possible New Owner
7. LaCandela Restaurant, 811-813 County Street – Called 01/07/13
8. Lydia’s Bakery, 1668 Acushnet Avenue – Called 01/07/14 & 01/13/14
9. Tiko’s Pizzeria, 1634-1636 Acushnet Avenue – Called 01/07/14 & 01/13/14

Class I (New Car Dealer license) -

1. Vectrix, LLC, 55 Samuel Barnet Boulevard 01/07/14 - Spoke to owner.

Class II (Used Car Dealer license) -

1. Capitol Motors, 384 Dartmouth Street – License being held due to tax issues - Called on 01/07
2. Tony’s Auto Sales, 843-849 Church Street – Called on 01/07/14
3. Valtran, Inc., 2415 Purchase Street - Called on 01/07/14
4. West End Towing, 429 Allen Street – Called on 01/07/14

• LICENSE HOLDERS IN TAX TITLE – For Review Only (A/O 01/15/13)---Totals Have Not Been Updated

Common Victuallers (Restaurants)

Chocolate Com Pimerta (Jose J. DaCosta d/b/a)-Plot# 92-70-----\$308.90 – NON-COMPLIANT
 Homlyke Bakery (Homlyke Bakery Southcoast, Inc.-Plot# 127-D-128-----\$29,940.03 – NON-COMPLIANT
 Shawmut Diner (Andros Island, Inc. d/b/a)-Plot# 95-233-----\$23,760.92 – *Ok Per Atty. Bailey*
 Shawmut Diner (Andros Island, Inc. d/b/a)-Plot# 95-303-----\$13,109.82 - *Ok Per Atty. Bailey*

Class II (Used Car Dealer)

Capitol Motors (Ronald Moura d/b/a)-Plot# 23-219-----\$8,688.70 - NON-COMPLIANT
 Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-Plot# 13-138-----\$4,911.43 - *Agreement/Compliant*
 Lima’s Garage & Auto Body, Inc.-Plot# 97-147-----\$13,923.39 - *Agreement/Compliant*
 Oliver Used Auto Sales & Repairs (Itamar C. Oliveira d/b/a)-Plot# 102-121-----\$2,073.89 – PAID IN FULL
 Washington Square Auto Sales (Lee Transportation Corp. d/b/a)-Plot# 36-224-----\$1,612.26 - PAID IN FULL

Liquor Licenses

Common Victualler AA (Restaurants)

Chuck’s China Inn (Luk & Chen, Inc. d/b/a)-Plot# 111-21-----\$274.88 – PAID IN FULL
 Danny’s Seafood Restaurant (Norway Café, Inc. d/b/a)-Plot# 108-13-----\$18,414.43 – *Agreement/Compliant*
 Incognito (Anthsand, Inc. d/b/a)-Plot# 104-114-----\$5,334.33 – PAID IN FULL
 Jalice Café, Inc.-Plot# 99-3-----\$9,392.60 - *Agreement/Compliant*
 LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-148-----\$2,783.81 - - *Agreement/Compliant*
 LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-151-----\$6,945.63 - - *Agreement/Compliant*
 Me & Ed’s Restaurant, Inc.-Plot# 5--7-----\$12,237.22 - - *Agreement/Compliant*
 Me & Ed’s Restaurant, Inc.-Plot# 4-29-----\$7,920.52 - - *Agreement/Compliant*
 Me & Ed’s Restaurant, Inc.-Plot# 4-51-----\$12,899.25 - - *Agreement/Compliant*
 Mikey B’s (Mikey B’s, Inc. d/b/a)-Plot# 130-D-139-----\$644,233.56– *Agreement/Compliant*
 The Pub (Ferdade, Inc. d/b/a)-Plot# 93—240-----\$7,218.02 - *Agreement/Compliant*

Common Victualler Wine & Malt Only (7 Days)

The Boat (Lemieux Enterprises, Inc. d/b/a)-Plot#127-D-141-----\$9,035.15 – PAID IN FULL
 The Celtic Coffee House (Celtic Coffee House, LLC d/b/a)-Plot#53--180-----\$9,143.17 – No Longer Licensed
 The Celtic Coffee House (Celtic Coffee House, LLC d/b/a)-Plot#53--144-----\$19,817.53 – No Longer Licensed
 The Symposium, LLC-Plot# 123-A-237-----\$5,631.72 – PAID IN FULL

Clubs AA

New Bedford Lodge No. 73 – BPO Elks.-Plot#46--86-----\$14,119.55 – CLOSED/

NON-COMPLIANT

The Bisca Tournament Club, Inc.-Plot#37-3-----	\$4,313.06 - Agreement/Compliant
The Bisca Tournament Club, Inc.-Plot#37-322-----	\$5,226.02 - Agreement/Compliant
The New Cape Verdean Ultramarine Band Club, Inc.-Plot#42-183-----	\$12,034.23 - Agreement/Compliant
Whaling City Club, Inc.-Plot#104-164-----	\$1,437.74 - PAID IN FULL

Retail Package Store W & M

Costa’s Gas & Mini-Mart (MMRB Corp., Inc. d/b/a)-Plot#92-267-----	\$16,820.11 – Agreement/Compliant
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- **2014 Licensing Board Meetings----“Amended”**

All meetings will be on the following Mondays (except for the January & April Meetings, which will be on a Tuesday due to a holiday on both prior Mondays) in the Ashley Room – 1st Floor, Room 120 at 7:00 p.m.:

January 21st (Tuesday—Room 205)	July 28 th
February 24 th	August 25 th
March 24 th	September 22 nd
April 22nd (Tuesday)	October 20 th
May 19 th	November 17 th
June 23 rd	December 22 nd

Subject: Liquor License Renewals For 2014 (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, 2013.

Common Victualler---All Alcoholic	85
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	11
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
	TOTAL=184 (-2)

There were two (2) licenses that were not renewed for 2014:

- ❖ **Whaler Wine & Spirits, Inc. – RPS AA – License was held by St. Anne’s Credit Union, who chose not to renew the license, therefore, the license was lost to the city.**
- ❖ **Lemieux Enterprises, Inc. d/b/a The Boat – CV W & M – The Licensee signed the renewal but chose not to pay the renewal fee in December as required, therefore the license will revert back to the city; and therefore, the license will be issued at a later date by virtue of an “advertised lottery”.**

There were 184 licenses issued for 2014 of which the following twelve (12) licenses are currently inactive:

1. **1846 Bar & Grille, Inc. – CVAA - Sale Pending**
2. **Adriana’s Mexican Restaurant (Giraldo’s Restaurant, Inc. d/b/a) - CVAA –Ongoing Renovations**
3. **Braza Rotisserie (Ransan Rotisserie d/b/a) – CV W & M – For Sale**

4. **Campino Tavern (JM & M Enterprises, Inc. d/b/a) – GOP – Transfer Pending**
5. **China Lantern Restaurant, Inc. – CV W & M – Change of Location Pending**
6. **Columbus Group (Columbus Group, LLC d/b/a) – CVAA – Transfer Pending**
7. **Continental Tavern (Pastime, Inc. d/b/a) – CVAA – Sale Pending**
8. **Fernando’s Grille & Bar (Calypso Hospitality, LLC d/b/a) – CVAA – Sale Pending**
9. **Major League Burgers (JAMA, LLC d/b/a) – CVAA - Ongoing Renovations**
10. **New Bedford Lodge No. 73---BPO Elks – CLUBAA – For Sale**
11. **Octane Sports Bar (Tane Corporation d/b/a) – CVAA – Sale Pending**
12. **Pi-Zans, Inc. – CV W& M – Ongoing Renovations**
13. **Salty Cod (Salty Cod, LLC d/b/a) – CV W & M – Sale Pending**

Note: There were 6 inactive licenses at the start of 2013.

- **NEXT TWO MEETING DATES: February 24, 2014 & March 24th (Both On Mondays in the Ashley Room - 120)**

- **MEETING ADJOURNED:**