



Licensing Board

February 25, 2013 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

REQUIRED: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. John Flor, Asst. City Solicitor

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

Nick Nanopoulos, Director

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager - Trans. # 215 - Plot # 37—322

The Bisca Tournament Club, Inc., 157-161 Acushnet Avenue is requesting the approval of **Jose S. Duarte**, who resides at 1 Jason Court, New Bedford, MA. as **their new Manager**.

Approved By ABCC – 01/24/13

Change of Director & Transfer of Stock - Trans. #005 - Plot # 106 – 233

Girassol Restaurant and Café, Inc. d/b/a Café Girassol & Restaurante, Joao M. Sousa, President, who is requesting a **Change of Director; and the Transfer of Corporate Stock (100 shares)** of the Common Victualler (Restaurant) All Alcoholic Beverages License held by the estate of the late Domingos N. Pimentel to Joao M. Sousa. Upon approval, Joao M. Sousa will remain as the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (200 Shares) of the Corporation. Joao M. Sousa will remain as Manager. Premises will remain the same at **1698-1700 Acushnet Avenue**.

Approved By ABCC – 01/25/13

Transfer & Change of Location - Trans. #142 - Plot # 93--3

Café Funchal, Inc., Duarte DaSilva, President, license formerly exercised on premises located at **123 Church Street**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Giraldo’s Restaurant, Inc. d/b/a Adriana’s Mexican Restaurant**, which was acquired through a **DOR Seizure Public Auction Sale, Kempton E. Pollard, DOR Supervisor**. Upon approval, Fernando Giraldo will be the President, Co-Director, and Co-Shareholder (50%); and, **Martha E. Gonzalez** will be the Treasurer, Secretary, Co-Director, Co-Shareholder (50%), and the **Proposed Manager**. The new proposed licensed premises consist of an area approximately 1,967 sq. ft. on the first floor of a four story building, which will include one room with a dining area and bar area, a kitchen, and two handicapped restrooms; which will have one entrance/exit in the front of the building onto Acushnet Avenue, and a side entrance onto Holly Street, and an emergency exit in the rear of the building. There will also be an area for the storage of alcohol in the basement. The premises is situated on the east side of Acushnet Avenue between Holly and Tallman Streets, and **numbered 1262 Acushnet Avenue**.

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department, a ‘**Food Permit**’ from the Health Department, and a signed ‘**Fire & Building Certificate**’ with regard to Chapter 304 Fire Acts Compliance; along with a copy of ‘**Proof of Liquor Liability**’.

Approved By ABCC – 02/07/13

New License & Pledge of License - Trans. # 222 – Plot # 108—172

MTWP Restaurant Ventures, Inc. d/b/a Davy’s Locker, Jeffrey Dolinsky, President, who’s petitioning for a

new Annual Common Victualler (Restaurant) All Alcoholic Beverages License. Upon approval, Jeffrey Dolinsky will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100%); **Jeffrey Dolinsky** is also the **Proposed Manager**; the applicant is requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to County Mortgage, LLC, 1172 Beacon Street, Newton, MA.** as security to authorize and execute a promissory note in the amount of **Four Hundred and Twenty Thousand Dollars (\$420,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23. The new licensed premise includes 3 Rooms for Dining, Bar Area, Kitchen, & Exterior Patio, in an area approximately 5,000 sq. ft. on the first floor of a one-story building, with stock on the first floor. The licensed premises also includes a one -story 30' X 21' wooden deck above the existing outside patio in the rear of the building, for a total area of 5,651 Sq. Ft., which includes an 8 Ft. Bar, with 4 barstools, and 9 tables with seating for 4 at each table. There is 1 entrance/exit with stairs running adjacent to the existing patio leading into the parking lot.

***The upper deck has been previously approved with the following restrictions 1.) Roof Top Service Will End At 12:00 AM & All Patrons Removed By 12:15 a.m.; 2.) Area approved for 40 patrons; 3.) All Music & Entertainment Must Cease By 11:00 p.m.; 4.) All Music & Entertainment should be at such a level that would not be a disruption to the neighbors & will consist only of a radio type sound system or light non-amplified acoustic music. *** The premises is situated on the east side of E. Rodney French Boulevard between Norman & Clara Streets, and is numbered **1480 E. Rodney French Boulevard.**

(This application has been filed as a late renewal, as required by M.G.L. Ch. 138)

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health Department, and a signed '**Fire & Building Certificate**' with regard to Chapter 304 Fire Acts Compliance; along with a copy of '**Proof of Liquor Liability**'.

Approved By ABCC – 02/13/13 – License Re-Instated In Full

Transfer & Change of Location - Trans. # 194 - Plot # 130-D-172

Pella Corp. d/b/a G & S Pizza, Athanasios Solomos, President, license currently issued for use at **2840 Acushnet Avenue**, who is petitioning for a **Transfer and Change of Location of a Common Victualler (Restaurant) Wine & Malt Only Beverages License to Ransan Rotisserie, Inc. d/b/a Braza Rotisserie.** Upon approval, Randy R. Cardoso will be the President, Secretary, Co-Director, and Co-Shareholder (88%), and Sandra N. Botelho is the Treasurer, Co-Director, and Co-Shareholder (12%); and Randy R. Cardoso is the Proposed New Manager. The proposed new licensed premises consists of 2,000 sq. ft. area that is fully sprinklered, which is located on the first floor of a four-story building, and includes a dining area, service counter, kitchen and prep area, office, storage area, and two restrooms. Alcohol will be stored and served from the service area. There is one entrance/exit in the front of the building onto Pleasant Street, as well as two emergency exits, one in the front of the building and a second one at the rear of the restaurant stock area. There will be additional storage space in the basement area for alcohol. The premises is situated on the east side of Pleasant Street, between Union and William Streets, and **numbered 566 Pleasant Street.**

Final approval will require a signed '**Fire & Building Certificate**' with regard to Chapter 304 Fire Acts Compliance; along with **Proof of Liquor Liability.**

Approved By ABCC – 02/19/13

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer - Trans. # 025 – Plot # 103--292

CMota Enterprises, LLC d/b/a Ecco Lounge, Robert A. Faria, Jr., Sole Member of LLC, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Olivia Anne, Inc. d/b/a “The Bar”.** Robert A. Faria, Jr. is the President, Treasurer, Co-Director, and Co-Shareholder (50%); and **Edward G. Williams, Jr,** is the Vice-President, Secretary, Co-Director, Co-Shareholder (50%), and the **Proposed New Manager**; requesting approval of a **Pledge of the Common Victualler All Alcoholic Beverages License to Robert A. Faria, of 251 Sconticut Neck Road, Fairhaven, MA.** as security to authorize and execute a promissory note for Fifty Thousand and 00/100 Dollars (\$50,000.00), pursuant to Massachusetts General Laws Ch.138 s.23. Premises will remain the same at **1669 Acushnet Avenue.**

Disapproved By ABCC – 01/16/13 - Failure to Comply With Mass Tax Laws (DOR) - 2nd Attempt

Application to be sent back to the ABCC “For Reconsideration”, only upon notification from the Applicant or the DOR, that all outstanding issues have been resolved

Change of Officers, Director, Manager, New Stockholder & Transfer of Corporate Stock - Trans. # 062 – Plot # 16--1

First Base Café, Inc., Richard F. Perzentz, Jr., President, who is requesting a **Change of Officers, Director, Manager, (New) Stockholder, and Transfer of Corporate Stock** of the **Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the President, Treasurer, Clerk, Sole-Director, and Manager; and allow the Transfer of all his Corporate Stock (200 Shares). **Richard F. Perzentz** will be the new President, Treasurer, Clerk, Sole Director, Sole Stockholder, and the **Proposed New Manager**. Premises will remain the same at **38-42 Cove Street**.

Disapproved By ABCC – 01/16/13 - Failure to Comply With Mass Tax Laws (DOR) – 4th Attempt
Application to be sent back to the ABCC “For Reconsideration”, only upon notification from the Applicant or the DOR, that all outstanding issues have been resolved.

Transfer of License - Trans. #151 - Plot # 28--140

Rocks and Rolls, LLC d/b/a Black Watch Pub, Andrew Laubi, Manager of LLC, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to 266 Dartmouth Street Realty, LLC d/b/a Black Watch Pub. Upon approval, Leo R. Tremblay will be the Sole Member and Manager of the LLC, and the Sole Interest Holder (100%); and Joseph Tremblay is the **Proposed New Manager of the Liquor License**. Premises will remain the same at **266-268 Dartmouth Street**.

Disapproved By ABCC – 01/28/13 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt
Application to be sent back to the ABCC “For Reconsideration”, only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved.

1. PETITION - Trans. # 225 – Plot # 92--1

BoaVida Five Star Imports, Inc. d/b/a BoaVida Imports, which is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Antonio A. Coutinho** is the President, Treasurer, Secretary, Co-Director, Sole Shareholder (100 %), and the **Proposed Manager**; and John J. Coutinho is a Co-Director. The proposed licensed premises is a convenience store located on the 1st floor of a one-story building in an area approximately 2,340 sq. ft., which will be used for the display and sale of alcohol; and will include a grocery area with coolers for the storage of alcohol. The area will also include two storage areas and two restrooms. There is one (1) entrance/exit in the front of the building, as well as one (1) receiving door into the main storage area also located in the front of the building. The premises is situated at the intersection of County and Purchase Streets, and numbered **2243 Purchase Street**.

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department and a ‘**Food Permit**’ from the Health Department.

Application has been advertised; Abutters have been notified

2. PETITION - Trans. # 141 – Plot # 25-A-25

Young Cape Verdean Athletic Association, Inc., 418 South Front Street, is requesting the approval of **Dulceiann Mello** who resides at 155 Frederick Street, New Bedford, MA. as **their new manager**.

3. PETITION - Trans. # 094 – Plot # 106--85

Saint Michael Social Club, Inc., 101 Madeira Avenue, is requesting the approval of **Valdir Araujo** who resides at 121 Tinkham Street, New Bedford, MA. as **their new manager**.

4. PETITION - Trans. # 225 – Plot # 31--239 (No Representation Needed)

Racing Mart, LLC d/b/a Mutual Oil, Alexandre El Tom, Manager of LLC, who is requesting approval of a **Pledge of the Retail Package Store Wine & Malt Only Beverages License** to **Mechanics Cooperative Bank, 308 Bay Street, Taunton, MA.**, as security to authorize and execute a promissory note in the amount of **Seven Hundred Thousand Dollars (\$700,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

5. APPLICATION, Representation Required

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Craig Ribeiro, Manager of LLC, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Finisher's Festival – Post Race Beer Fest' to be held in **Wing's Court**, and to be held on **Sunday, March 17, 2013 from 12:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of the Police Detail Contract*)

6. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Julia DaSilva, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Book Launch & Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, February 16, 2013 from 2:00 p.m. until 4:00 p.m.**

7. APPLICATION, (No Representation Needed)

Irmandade Do Divino Espirito Santo Do Pico Club, Guida Rocha, Representative requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Mardi Gras Show' to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Sunday, February 17, 2013, from 2:00 p.m. until 6:00 p.m.**

8. APPLICATION, (No Representation Needed)

New Bedford Art Museum, Nooshin Navidi, 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 **N. B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Sunday, February 17, 2013 from 12:00 p.m. until 5:00 p.m.**

9. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Sailor Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, February 28, 2013 from 6:00 p.m. until 7:00 p.m.**

10. APPLICATION, (No Representation Needed)

"Healing Little Hearts", Kelly Weglowski, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '6th Annual "Healing Little Hearts" Gala & Auction' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, March 2, 2013 from 6:00 p.m. until 11:00 p.m.**

11. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Sailor Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 7, 2013 from 6:00 p.m. until 7:00 p.m.**

12. APPLICATION, (No Representation Needed)

Southcoast Chamber Music Society, Inc., Brooke Garfield, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser' to be held at **Gallery X**, located at **169 William Street**; and to be held on **Saturday, March 8, 2013 from 8:00 p.m. until 9:30 p.m.**

13. APPLICATION, (No Representation Needed)

KNT Enterprises, Inc. d/b/a Kirby's Irish Pub, Bruce Kirby, President, who is requesting approval of an

application for a **Special One Day All Alcoholic Beverages License** for a ‘St. Patrick’s Day Party’ to be held in the **Pub Parking Lot**, located at **818 Kempton Street**; and to be held on **Sunday, March 17, 2013 from 2:00 p.m. until 11:45 p.m.** (*Final approval will require a copy of the Police Detail Contract*)

14. APPLICATION, (No Representation Needed)

Downtown New Bedford, Inc., Marianne Hodgson, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their ‘22nd Annual Spring Social’ to be held at the **N. B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Wednesday, April 3, 2013 from 5:00 p.m. until 7:00 p.m.**

15. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Sailor Series Reception’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 4, 2013 from 6:00 p.m. until 7:00 p.m.**

16. APPLICATION, (No Representation Needed)

Global Learning Charter Public School, Christina Rebello, Development & Communications Coordinator, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘10th Anniversary Global Gala’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, April 6, 2013 from 5:00 p.m. until 9:00 p.m.**

17. APPLICATION, (No Representation Needed)

UMASS School of Law, Evan Collier, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Barristers Ball’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, April 13, 2013 from 6:30 p.m. until 10:30 p.m.**

18. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Sailor Series Reception’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 18, 2013 from 6:00 p.m. until 7:00 p.m.**

19. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Sailor Series Reception’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, May 2, 2013 from 6:00 p.m. until 7:00 p.m.**

20. APPLICATION, (No Representation Needed)

Downtown New Bedford, Inc., Marianne Hodgson, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their ‘7th Annual Taste of the Southcoast’, which will be held **under a tent on Pier 3**; and to be held on **Sunday, May 19, 2013 from 12:00 p.m. until 5:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

21. APPLICATION,

The Schwartz Center for Children, Beatrice Oliveira, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fishing for a Cause Tournament Fundraiser’ to be held at **Marine Park on Pope’s Island (under a tent)**; and to be held on **Saturday, June 22, 2013, from 5:30 p.m. until 10:00 p.m.** (*Final approval will require Liquor Liability with the City named as*

additionally insured and a copy of the Police Detail Contract)

22. Hearing: Capitol Motors

Ronald Moura, Licensee
384 Dartmouth Street

Please be advised that your presence is required at a hearing to be held in this office to determine whether you have violated certain provisions of City of New Bedford Ordinance Sec.10 – 45 with regard to outstanding personal property tax owed to the City of New Bedford.

The City of New Bedford Treasurer/Collector of Taxes has requested that the Licensing Board hold a hearing for revocation of your MV Class II license due to non-payment of personal property taxes, based on your neglect or refusal to pay your local property tax to the City of New Bedford by January 31, 2013, as previously notified in a letter from this office dated January 23, 2013. All Licensees must be in compliance for renewals of all Class II licenses.

Please be advised that you are currently in violation of operating a used car lot without a license.

Failure to appear at this hearing will result in the immediate revocation of your license by this Board.

23. APPLICATION,

Jennifer M. Diaz, who resides at 34 Crapo Street, New Bedford, MA. is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License for Union Auto Towing, Inc. d/b/a Union Auto Towing #2**, with premises situated at **895 Mt. Pleasant Street**.

Note: Site was previously licensed to Nelson Caraballo d/b/a Caraballo's Auto Sales & Repairs, who did not renew his license for 2012; this location was previously approved for the display of Thirty (30) cars by the Office of Inspectional Services.

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**, a **Notarized Letter** stating where repairs will be done, and **Business Certificate** from the **Office of the City Clerk**.

24. Hearing: Cork County, Inc. d/b/a

Catwalk Bar & Grill
Catherine Carter, Manager
34 Union Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of the Liquor Control Act, ABCC Regulations, and Licensing Board Rules & Regulations. This hearing is being held based on certain information contained on promotional posters promoting certain events at your establishment as well as advertisements being posted on Facebook. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They are as follows:

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulations No.1, 6, 13, & 41-

Licenses may not be transferred or surrendered without permission of the Board; each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing; signs and advertisements shall be neat and dignified; the type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board.

Happy Hour Restrictions (ABCC 204 CMR 4.03)-

The offering of 'Drink Specials' to any person or group of persons at a price less than the price regularly charged for such drinks during the same calendar week, except at a private function not open to the public; therefore, no licensee nor any agent for the licensee or person on behalf of the licensee shall advertise, promote, or offer in any way, whether within or outside of the licensed premises any of the practices prohibited under ABCC 204 CMR 4.03; it's solely the responsibility of the licensee to ensure that no violation of this provision occurs within the premises, or is offered in any promotional ads whether in print or electronically.

Summary of Possible Violations

1. Offering Discounted Drinks.
2. Casual Entertainment (Promoter) – Advertisement by Promoter offering 'Drink Specials'; It's the licensee's obligation to comply with the Liquor Control Act and ABCC regulations cannot be circumvented by using a third party; such action results in the licensee transferring the privilege of its license, or transferring a direct or indirect beneficial interest in its license to a third party.

The posters, and the promotional items posted on Facebook, reflects a type of activity that is a violation of the Liquor Control Act and ABCC regulations, which does not allow the transfer of the rights to a license to a third party; this violation is reflected in the 'Promoters' promotional posters offering 'Drink Specials & Shots' every Thursday night.

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

25. Hearing: The Sky Room, Inc.
d/b/a The Sky Room
Audrey Carter, Manager/Owner
651 Orchard Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of the Liquor Control Act, ABCC Regulations, and Licensing Board Rules & Regulations. This hearing is being held based on certain information contained on promotional posters promoting recent events at your establishment, as well as advertisements being posted on Facebook promoting those events.

Based on this information, it also appears that you are not in compliance with this Board's written decision of 04/23/12, in that, this Board and the Police Department clearly and succinctly explained to you once again the rules and regulations as they pertain to the use of promoters; as well as informing you that third party promoted events will not be condoned, and that your failure to remain in compliance would result in sanctions by this Board.

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. Chapter 138, sec. 64-

The licensing authorities after notice to the licensee and reasonable opportunity to him or her to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he or she has violated or permitted any condition thereof (Chapter 138), or any law of the commonwealth.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulations No.1, 6, 13, & 41-

Licenses may not be transferred or surrendered without permission of the Board; each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing; signs and advertisements shall be neat and dignified; the type and hours of entertainment shall

be subject to reasonable regulations by the Licensing Board.

Happy Hour Restrictions (ABCC 204 CMR 4.03)-

The offering of 'Drink Specials' to any person or group of persons at a price less than the price regularly charged for such drinks during the same calendar week, except at a private function not open to the public; therefore, no licensee nor any agent for the licensee or person on behalf of the licensee shall advertise, promote, or offer in any way, whether within or outside of the licensed premises any of the practices prohibited under ABCC 204 CMR 4.03; it's solely the responsibility of the licensee to ensure that no violation of this provision occurs within the premises, or is offered in any promotional ads whether in print or electronically.

(VIP) Bottle Service – Approved & Adopted by Licensing Board Vote February 22, 2010

Any type of (VIP) Bottle Service is a violation of the Happy Hour Restrictions (ABCC 204 CMR 4.03, inclusive). Therefore, no licensee nor any agent for the licensee or person on behalf of the licensee shall advertise, promote, or offer in any way, whether within or outside of the licensed premises any of the practices prohibited under ABCC 204 CMR 4.03; it's solely the responsibility of the licensee to ensure that no violation of this provision occurs within the premises, or is offered in any promotional ads whether in print or electronically.

Summary of Possible Violations

1. Offering VIP Services
2. Advertisements by Promoters offering VIP Ticket Sales and Packages, which includes drinks, It's the licensee's obligation to comply with the Liquor Control Act and ABCC regulations cannot be circumvented by using a third party; such action results in the licensee transferring the privilege of its license, or transferring a direct or indirect beneficial interest in its license to a third party.

These posters and the promotional items posted on Facebook, reflect a type of activity that is a violation of the Liquor Control Act and ABCC regulations, which does not allow the transfer of the rights to a license to a third party; this violation is reflected in the 'Promoters' promotional posters offering 'VIP Admission and Packages.

The posters and the promotional items posted on Facebook reflect the type of activity that this Board informed you was illegal, at your most recent hearing before this Board on April 23, 2012; and the type of events being promoted are a direct contradiction to what was expressed to this Board, as to what you planned to offer as entertainment when you appeared before this Board for approval of the transfer of license on November 24, 2008, on which the Board based their decision to approve the transfer.

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

• **CORRESPONDENCE,**

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

Re: The Sky Room, Inc. d/b/a The Sky Room **651 Orchard Street**

Hearing Date: Thursday, May 2, 2013 @ 9:30 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)**

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

Re: Madeira Café, Inc. **72 North Water Street**

Hearing Date: Thursday, May 2, 2013 @ 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)**

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

Re: Ransan Rotisserie, Inc. d/b/a Braza Rotisserie **566 Pleasant Street**

Hearing Date – Tuesday, December 4, 2012 @ 11:30 a.m. for a hearing to determine whether your application under M.G.L. Ch. 138 should be approved or disapproved.

Decision of Hearing: Based on the evidence and testimony at the hearing, the Commission **APPROVES** the Ransan Rotisserie, Inc. d/b/a Braza Rotisserie's petition for Transfer of Ownership.

From: County of Bristol, The Superior Court **Dated –02/07/13** **Received – 02/15/13**

Re: Alan Frates & Susan Frates v Jennicas, Inc. d/b/a The Candleworks Restaurant 72 North Water Street

It is ORDERED AND ADJUDGED that the application under the prayers of the complaint is hereby granted; and the defendants, Jared Morgado and Jennicas, Inc. d/b/a Candleworks Restaurant its agents, servants, attorneys, and deputies are ENJOINED AND RESTRAINED from transferring, conveying, encumbering, or otherwise alienating their equipment, supplies, inventories, vehicles, and other assets including their liquor license other than the ordinary course of business, until further order by the Court....Renee P. Dupuis, Justice

• **COMPLAINTS RECEIVED:**

---NONE---

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

| <u>NAME</u> | <u>POLICE REPORT#</u> | <u>DATE</u> | <u>VIOLATION</u> |
|-------------|-----------------------|-------------|------------------|
|-------------|-----------------------|-------------|------------------|

---NONE---

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

Common Victualler (Restaurant) - 6

1. Chocolate Com Pimenta, 1277 Acushnet Avenue – - **Renewed 01/18/13**
2. Homlyke Bakery, 948 Ashley Boulevard – **Renewed 01/31/13**
3. Homlyke Bakery, 321 Dartmouth Street – **Renewed 01/31/13**
4. Lydia's Bakery, 1668 Acushnet Avenue – **Renewed 01/17/13**
5. Naughty Dawgs, 35 North Sixth Street - **Renewed 01/30/13**
6. Salonika House of Pizza, 842 Kempton Street – **Renewed 01/17/13**

Class I (New Car Dealer license) - 1

1. That Scooter Spot, 812 Kempton Street - Called on 01/02/13 - Spoke to owner in person & again on phone.

Class II (Used Car Dealer license) - 4

1. Capitol Motors, 384 Dartmouth Street – License being held due to tax issues – Notice of Hearing Sent on 02/12/13
2. Furtado's Auto Sales, 805 Brock Avenue – **Renewed 02/01/13**
3. JMF Auto Sales, 1615 Cove Road – D/N RENEW – LICENSEE DECISION
4. Valtran, Inc., 2415 Purchase Street - Called on 01/02/13 - **Renewed 01/23/13**

• **Proposed Language for 'Responsible Beverage Server Training' Provisions (For Review Only)**

48. All agents and employees of a licensed establishment involved in the sale or service of alcoholic beverages shall attend some form of Responsible Beverage Server Training within thirty (30) days of the date of hire and shall be retrained every three (3) years.

49. No liquor license shall be issued or reissued to a licensed establishment which does not verify that all of the

licensee's employees and agents involved in the sale or service of alcoholic beverages have successfully completed a beverage service training program.

50. A signed certification of each agent or employee which indicates that said agent or employee received the responsible beverage service training shall be maintained on the employer's premises. Copies of each signed certification shall be available to the licensing authority, or any authorized agent thereof, upon demand.

- **Upcoming Summer Events & Festivals**

- **Day of Portugal** – June 7th, 8th, & 9th
(April Meeting)
- **Cape Verdean Day Parade** – July 6th
(May Meeting)
- **New Bedford Summerfest** – July 5th, 6th, & 7th
(May Meeting)
- **Irmandade Do Divino Espirito Santo Do Pico** – July 11th, 12th, 13th, & 14th
(May Meeting)
- **Feast of the Blessed Sacrament (Madeira Feast)** – Aug. 1st, 2nd, 3rd & 4th
(June Meeting)

- **ANNUAL REPORT 2012**

In accordance with **Chapter 138, sec. 10A of the Massachusetts General Laws**, relative to the granting of licenses for the sale of alcoholic beverages, we are pleased to submit herewith a full report of the actions of the New Bedford Licensing Board for the year **2012**.

There were a total of **182** liquor licenses granted as renewals for the year **2013**.

There was **1** **Common Victualler (Restaurant) All Alcoholic Beverage license** which was not signed by the licensee during the month of November as required by law; therefore, the license was not renewed for '2013'. **(MWTP Restaurant Ventures, Inc. d/b/a Davy's Locker – Lic. # 074)**

Note: An application was filed for a 'New' license as a late renewal on January 9, 2013, as required by M.G.L. Ch. 138; and a conditional release was approved by the Commission on January 11, 2013.

There was **1** **New Common Victualler (Restaurant) Wine & Malt only license** granted in 2012, which was renewed for **2013**. **(Jose Antonio DoSouto d/b/a Carlos's Kitchen – Lic. #222)**

There was **1** **Farmer-Winery Pouring Permit** renewed for **2013**. **(Travessia, LLC d/b/a Travessia – Lic. #220) – Note: Permit Not Included In the 182 Total**

There was **1** **Seasonal license** granted as a renewal in **2012**. **(MWTP, Restaurant Ventures, Inc. d/b/a Davy's Tiki Bar – Lic. #214) - Note: Licensee plans to renew license in 2013.**

The number of licenses of each class renewed for **2013** is as follows:

| | |
|---|----|
| Innholder All Alcoholic Beverages | 2 |
| Restaurant All Alcoholic Beverages | 84 |
| Restaurant Wines and Malt Beverages (7 Days Licenses) | 17 |
| Restaurant Wines and Malt Beverages (6 Days Licenses) | 3 |
| General on Premise All Alcoholic Beverages..... | 17 |
| Club All Alcoholic Beverages..... | 26 |

| | |
|--|------------------------|
| Club Wines and Malt Beverages | 0 |
| Retail Package Goods Store All Alcoholic Beverages | 24 |
| Retail Package Goods Store Wines and Malt Beverages.... | 9 |
| Druggist All Alcoholic Beverages | 0 |
| <u>Total Licenses</u> | <u>182 (-1)</u> |

Special One - Day Licenses Granted in 2012:

| | |
|--|-------------------|
| Special One Day All Alcoholic Beverages Licenses..... | <u>119</u> |
| Special One Day Wines and Malt Beverages Licenses..... | <u>41</u> |

Revenue received from the various classifications of licenses during **2012:**

New Common Victualler (Restaurant) Wine & Malt Only license granted to **Jose Antonio DoSouto d/b/a Carlos's Kitchen---**Issued on **March 22, 2012** \$1,700.00

Renewals:

| | |
|--|-------------------|
| 2 Innholder All Alcoholic Beverages Licenses | \$8,600.00 |
| 84 Restaurant All Alcoholic Beverages Licenses | \$247,800.00 |
| 3 Restaurant Wines and Malt Beverages (6 DAY Wine & Malt) | \$5,100.00 |
| 17 Restaurant Wine and Malt Beverages (7 Day Wine & Malt) | \$30,600.00 |
| 17 General on Premise All Alcoholic Beverages Licenses | \$51,000.00 |
| 26 Club All Alcoholic Beverages Licenses | \$59,800.00 |
| 24 Retail Package Goods Store All Alcoholic Beverages Licenses | \$57,600.00 |
| 9 Retail Package Goods Store Wines and Malt Beverages Licenses | \$14,850.00 |
| 1 Farmer-Winery Pouring Permit | \$1,300.00 |
| 1 Seasonal License (Davy's Tiki Bar) | \$1,500.00 |
| 119 Special One - Day All Alcoholic Beverages Licenses | \$11,900.00 |
| 41 Special One - Day Wines and Malt Beverages Licenses | \$3,075.00 |
| <u>46 Filing Fees</u> | <u>\$3,505.00</u> |
| Total Revenue..... | \$498,330.00 |

Schedule of License Fees for **2013 (Fee Increase Implemented)** are as follows:

| | |
|---|------------|
| Innholder All Alcoholic Beverages | \$4,300.00 |
| Restaurant All Alcoholic Beverages | \$2,950.00 |
| Restaurant Wines and Malt Beverages - 7 Days | \$1,800.00 |
| Restaurant Wines and Malt Beverages - 6 Days | \$1,700.00 |
| General on Premise All Alcoholic Beverages | \$3,000.00 |
| Club All Alcoholic Beverages | \$2,300.00 |
| Club Wines and Malt Beverages | \$1,450.00 |
| Retail Package Goods Store All Alcoholic Beverages | \$2,400.00 |
| Retail Package Goods Store Wines and Malt Beverages | \$1,650.00 |
| Farmer-Winery Pouring Permit | \$1,300.00 |
| Restaurant All Alcoholic Beverages (Seasonal) | \$1,750.00 |
| Druggist All Alcoholic Beverages | \$700.00 |
| Special One-Day All Alcoholic Beverages (Over 2 Hrs.) | \$150.00 |
| Special One-Day All Alcoholic Beverages (1-2 Hours) | \$125.00 |

| | | |
|--|---------------|----------|
| Special One-Day Wines and Malt Beverages | (Over 2 Hrs.) | \$125.00 |
| Special One-Day Wines and Malt Beverages | (1-2 Hours) | \$100.00 |
| Filing Fees | | \$100.00 |

There were **30 Violation Hearings** held in 2012.

The foregoing is a correct statement of the number of liquor licenses, the fees charged for same, and the total amount of revenue received from the licenses by the **New Bedford Licensing Board for the year 2012.**

- **NEXT TWO (2) MEETING DATES: March 27th (Wednesday) – “REVISED DATE” & April 22nd (Monday)**
- **MEETING ADJOURNED:**