



Licensing Board

December 16, 2013 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

Monday, December 16, 2013

Room 314 – 7:00 p.m.

REQUIRED: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

A/O 12/11/13

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

Transfer - Trans. # 151 – Plot # 123--138

266 Dartmouth Street Realty, LLC d/b/a Black Watch Pub, Leo Tremblay, Manager of LLC, 266 – 268 Dartmouth Street, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **JAMA, LLC d/b/a Major League Burgers**. Upon approval, **Jane A. Magan-Askew** will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC; as well as the **Manager of the Liquor License**. Upon completion of the renovations, the new proposed licensed premises will consist of an area approximately 2,400 sq. ft. within a one-story street level building, which will include two (2) rooms for dining, along with a hostess and waiting area, and two (2) restrooms; and one (1) room, which will include a bar and lounge area, along with a liquor storage room and walk-in beer cooler in the rear of the bar area. The premises will also include a kitchen area, which will include a dry storage area, walk-in freezer, and walk –in cooler. The premises, which will have one entrance/exit in the front of the building and two (2) emergency exits in the rear of the building, is situated on the east side of Mt. Pleasant Street, and **numbered 914 Mt. Pleasant Street**.

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 – 11/25/13

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.

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

1. PETITION - Trans. # 061 – Plot # 17-A-39 (No Representation Required)

Cassandra, Inc. d/b/a Redwood Saloon, Robert A. Faria, President, who is requesting a **Change of Officer, Stockholder, and Transfer of Corporate Stock** of the **General on Premise All Alcoholic Beverages License**. Judith A. Mendes is requesting the acceptance of her resignation as Treasurer, and Robert A. Faria, Sr. is petitioning to allow the transfer of all his corporate shares (100%) in the corporation as a gift to his son (Robert A. Faria, Jr). Upon approval, Robert A. Faria, Jr. will be the President, (New) Treasurer, Co-Director, and (New) Sole Shareholder (100%); and Robert A. Faria, (Sr.) will remain as the Secretary and Co-Director. **Robert A. Faria, Jr. will also remain as Manager.** Premises will remain the same at **1566 Cove Road.**

Application has been advertised.

2. PETITION - Trans. # 141 – Plot # 20--187

JM & B Enterprises, Inc. d/b/a Campino Tavern, Manuel DeBrito, President, who is petitioning to **transfer a General on Premise All Alcoholic Beverages License** to **Sugar & Pico, Inc. d/b/a Sugar Daddy's Campino Lounge**. Upon approval, Jose Matos will be the President, Treasurer, Secretary, Sole Director, and **Manager**; Dulce Matos will be the Vice-President. Premises will remain the same at **821 South First Street.**

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'** as required under the Chapter 304 Fire Acts Compliance; along with a copy of **'Proof of Liquor Liability'**.

Application has been advertised.

3. PETITION - Trans. # 101 – Plot # 52--286

Columbus Group, LLC d/b/a Columbus Restaurant. Xiaohui Yang (alias Shiawee Yang), Manager of LLC, who is petitioning for a **Transfer of a Common Victualler (Restaurant) All Alcoholic Beverages License and a Change of Description** to **Casa Chessa, Corp. d/b/a Portobello**; the applicant is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Columbus Group, LLC, 555 Pleasant Street, N.B., MA.** as security to authorize and execute a promissory note in the amount of **Sixty-Five Thousand Dollars (\$65,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Upon approval, Pietro Chessa will be the President, Treasurer, a Co- Director, and a Co-Shareholder (50%); and **Mairy M. Chessa** will be the Secretary, a Co-Director, a Co-Shareholder (50%), and the **Proposed New Manager of the Liquor License.** The proposed new licensed premises consists of a 3,200 sq. ft. area that is fully sprinklered and which is located on the first floor of a five-story building, and includes Two (2) Dining Areas, a Bar Area, and a Kitchen & Storage Area; and a Private Party Dining Area, which is located four (4) steps down from the main dining area on the same floor. There are Two (2) Handicapped Restrooms located in the common area located off the south side of the restaurant. There is one entrance/exit in the front of the building onto Pleasant Street and two additional exits/entrances on the Market Street side of the building, as well as an entrance/exit in the rear of the building into the rear parking lot on South Sixth Street via the common area in the main lobby of the building, which includes an elevator to the main dining area; and a handicap accessible entrance/exit on the Market Street side of the building. There will be additional storage space in the basement area for alcohol. The premise is situated on the west side of Pleasant Street, between Union and Market Streets, and **will remain numbered 555 Pleasant Street.**

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'** as required under the Chapter 304 Fire Acts Compliance; along with a copy of **'Proof of Liquor Liability'**.

Application has been advertised; Abutters have been notified.

4. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Guida Rocha, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an **'Annual Christmas Party'**, to be held at the **Irmandade Do Divino Espirito Santo Do Pico**, located on **2056 Acushnet Avenue**; and to be held on **Saturday, December 7, 2013 from 6:45 p.m. until 11:45 p.m.**

5. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Guida Rocha, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an 'Annual Christmas Party', to be held at the **Irmandade Do Divino Espirito Santo Do Pico**, located on **2056 Acushnet Avenue**; and to be held on **Tuesday, December 31, 2013 from 7:00 p.m. until 11:45 p.m.**

6. Hearing: Dublins Sports Bar N Grille, LLC d/b/a

Dublins Sports Bar N Grille
Mr. Mario Gomes, Owner/Manager
1686 Acushnet Avenue

Your presence and that of **Jenna Mendez, Bartender** and **Ryan Smith, Former Owner** is requested at a hearing to be held in **City Hall, Room 314, on Monday, December 16, 2013 at 7:00 p.m.** The intent of this hearing is to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations and Licensing Board Rules and Regulations as reported by the N. B. Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They are as follows:

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 #19-

Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

Summary of Incident Reports

Police Department Incident Report states that an Officer while on patrol checking bars at closing time within their assigned area, noticed several people still hanging out in front of Dublins bar, along with another five or six in the parking lot. Upon clearing the parking lot, the Officers approached the door and observed six customers still inside with drinks still on the bar; with one customer sitting at the bar with a drink in hand. Upon being told that they were there due to the fact the bar still had people in it and that there was still alcohol out on the bar, the bartender informed the Officer that it was hard getting everyone out of the bar, and that was why there was alcohol still out. A male behind the bar stated that they were all employees and that they were just having a drink while closing the bar. When told that a police report would be filed, the male stated that he wasn't an employee, rather he used to be an owner and he was trying to help the bartender close the bar. The other so called "employees" left the bar at this time, as the bartender and former owner took the drinks off the bar, and threw them out.

Date and time of alleged violations: Thursday, October 31, 2013 @ approximately 2:26 a.m. - Police Report #'s 13-12862-OF

• **CORRESPONDENCE,**

From: Kim S. Gainsboro, ABCC Chairman

Dated -12/02/13 Received - 07/12/13

Re: AMM Enterprises, LLC d/b/a Cobblestone Restaurant

7 South Sixth Street

Re-Scheduled Hearing Date: Monday, January 27, 2013, @ 10:30 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 & 15.**

• **COMPLAINTS RECEIVED:**

12/03/13 – Verdean Veterans’ Memorial Foundation, 561 Purchase Street – A verbal complaint was filed with the Mayor’s Office by two residents of the area, which was forwarded to this office regarding complaints of loud music and noise emanating from the ‘club’ into the wee hours of the morning on Thanksgiving Weekend; as well as on other weekends.

Action Taken - (12/04/13): Complaint was forwarded to Capt. Steven Vicente, Liaison to the Licensing Board, with a request that patrols in the area monitor both establishments regarding the complaints of loud music; as well as a request for Police Logs on both locations.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
--NONE--			

• **LICENSE HOLDERS IN TAX TITLE** – For Review Only (A/O 11/22/13)---Totals Have Not Been Updated

Common Victuallers (Restaurants)

Brain Freeze Ice Cream (South Coast Laundry, Inc. d/b/a)-Plot# 119--258-----	582,271.14
Chocolate Com Pimerta (Jose J. DaCosta d/b/a)-Plot# 92-70-----	\$308.90
Homlyke Bakery (Homlyke Bakery Southcoast, Inc.-Plot# 127-D-128-----	\$29,940.03
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
	\$649,390.81

Class II (Used Car Dealer)

Capitol Motors (Ronald Moura d/b/a)-Plot# 23-219-----	\$8,688.70
Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-Plot# 13-138-----	\$4,911.43
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
	\$31,209.67

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
LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-148-----	\$2,783.81

LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-151-----	\$6,945.63
Me & Ed's Restaurant, Inc.-Plot# 5--7-----	\$12,237.22
Me & Ed's Restaurant, Inc.-Plot# 4-29-----	\$7,920.52
Me & Ed's Restaurant, Inc.-Plot# 4-51-----	\$12,899.25
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
The Symposium, LLC-Plot# 123-A-237-----	\$5,631.72 – PAID IN FULL
	\$733,285.97

Common Victualler Wine & Malt Only (7 Days)

The Boat (Lemieux Enterprises, Inc. d/b/a)-Plot#127-D-141-----	\$9,035.15
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
	\$37,995.85

Clubs AA

New Bedford Lodge No. 73 – BPO Elks.-Plot#46--86-----	\$14,119.55
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
Whaling City Club, Inc.-Plot#104-164-----	\$1,437.748 - Agreement/Compliant
	\$37,130.60

Retail Package Store W & M

Costa's Gas & Mini-Mart (MMRB Corp., Inc. d/b/a)-Plot#92-267---	\$16,820.11 – Agreement/Compliant
	\$16,820.11

Outstanding Owed = \$1,505,293.01

• 2014 Licensing Board Meetings

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

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

- NEXT TWO (2) MEETING DATES: January 21, 2014 (Tuesday in RM. 205) & February 24, 2014 (Monday)**
- MEETING ADJOURNED:**

HOLIDAY HOURS

“CHRISTMAS EVE DAY” TUESDAY, DECEMBER 24, 2013

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.

Retail Package Good Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“CHRISTMAS DAY” WEDNESDAY, DECEMBER 25, 2013

Hotels, Restaurants, Taverns, and Clubs: **May Open After 11:00 A.M.** until 2:00 A.M.

Retail Package Good Stores: May Not Sell or Deliver Alcoholic Beverages On This Day.

“NEW YEAR’S EVE DAY” TUESDAY, DECEMBER 31, 2013

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until **2:00 A.M**

Sale of alcohol **MUST END** at 2:00 A.M.

“NO OPEN BAR FUNCTIONS ARE ALLOWED”

N. B. Licensing Board Rule #19 – WITHIN FIFTEEN MINUTES AFTER CLOSING (2:00 A.M.) all glasses, bottles, or containers used for drinking purposes must be cleared off the tables and bar, and **no alcoholic beverage shall be consumed at the expiration of fifteen minutes (2:15 A.M.) after closing. All CUSTOMERS must leave the premises no later than 30 minutes (2:30 A.M.) after closing.**

Retail Package Goods Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“NEW YEAR’S DAY” WEDNESDAY, JANUARY 1, 2014

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours **8:00 A.M.** until 2:00 A.M

Retail Package Good Stores: Normal Business Hours 8:00 A.M. until 11:00 P.M.

The Members and Staff of the Licensing Board would like to take this opportunity to wish You & Your Family a Safe and Happy Holiday Season!!!!!!!!

