



Licensing Board

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

LICENSING BOARD MEETING

-MINUTES-

Monday, February 25, 2013
Room 314 - 7:00 p.m.

PRESENT: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. John Flor, Asst. City Solicitor

Atty. Blair Bailey, Asst. City Solicitor – Tax Title

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

VOTED: To accept the approval from the ABCC. – **Unanimous**

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

VOTED: To accept the approval from the ABCC. – **Unanimous**

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

VOTED: To accept the approval from the ABCC. – **Unanimous**

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

VOTED: To accept the approval from the ABCC. – **Unanimous**

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

VOTED: To accept the approval from the ABCC. – **Unanimous**

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

VOTED: To accept the disapproval from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon notification from the Applicant or the DOR, that all outstanding issues have been resolved. – **Unanimous**

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

VOTED: To accept the disapproval from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon notification from the Applicant or the DOR, that all outstanding issues have been resolved. – **Unanimous**

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

VOTED: To accept the disapproval from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved. – **Unanimous**

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

Present: Antonio A. Coutinho, Applicant

Chairman Beaugard opened the hearing on the petition by asking Mr. Coutinho as to what his plans were for the Purchase Street site, to which Mr. Coutinho responded, that he planned to have a variety store with wine and beer, and that he would be using the whole building for this purpose.

Chairman Beaugard responded, you may or may not be aware that we give out (new) licenses based on public need, and based on the plans that were submitted for this location, there are already six (6) existing liquor establishments (liquor stores) all within 2,600 feet of where you are proposing to put yours.

Mr. Coutinho responded, I spent a lot of money for the town there ... I would like to make some I made all the sidewalk ... I paid for it ... that was a lot of money.

Chairman Beaugard responded, the time to do that, you know, before you went and did the work, was to come before the Board and see if you were approved for a license ... I feel bad for you but you can't put that back on us that you went and spent a ton of money based on something you may or may not receive later on down the road ... if that was your plan way back when.

When asked by Chairman Beaugard how long he has owned the building, Mr. Coutinho responded, I bought it about a year and a half ago ... I spent a lot of money there ... the money I spent on the building ... that's alright ... that's my building ... but I spent money on the sidewalk ... that's the town's property ... and I had to do it or they wouldn't let me do anything in there.

Chairman Beaugard responded, that might be an issue that you might need to take up with the city but that's not something that this board can comment on.

Upon asking if anybody had any more questions for Mr. Coutinho, upon hearing and seeing none, Chairman Beaugard called for a motion.

On Commissioner Almeida's motion to deny the application based on the 'lack of public need' for a new retail package store wine & malt only license in that area, the Board voted unanimously to deny the application based on the opinion of the majority that a number of off premise liquor licenses (6) already exist within close proximity of the proposed location presented by the applicant, and therefore, satisfies the public need for that area.

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.**

Present: Dulceiann Mello, Proposed New Manager

Responding to questions from Chairman Beaugard, Ms. Mello stated that she has been a bartender for a lot of years, so she has experience in the service of alcohol but she's never been a bar manager before; but added that she's been a 'closer' and that she's been working at the club. When asked by Chairman Beaugard if she was familiar with the rules & regulations, especially those pertaining to the function hall and underage events, as they relate to who you can rent to with regard to promoters, Ms. Mello responded, "Yes, I am".

When asked by Commissioner Almeida if she was T.I.P.S. Certified, Ms. Mello stated that she was not.

With no further questions, Chairman Beaugard called for a motion.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Mello becomes T.I.P.S. Certified; and that proof of that certification be submitted to the Licensing Board office within thirty (30) days of receiving final approval or prior. – **Unanimous**

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**.

Present: *Valdir Araujo, Proposed New Manager*

Responding to questions from Chairman Beaugard, Mr. Araujo stated that he's served as the bar manager of the club in the past, and that he's been a member of the club for 23 years; and that he would be on the premises about 40-50 hours a week, including on those nights when they have functions in the hall. When asked by Chairman Beaugard if he was familiar with the rules & regulations, especially those pertaining to the function hall and underage events, as they relate to who you can rent to with regard to promoters, Mr. Araujo responded that he was.

When asked by Commissioner Almeida if he was T.I.P.S. Certified, Mr. Araujo stated that he was not.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. Araujo becomes T.I.P.S. Certified; and that proof of that certification be submitted to the Licensing Board office within thirty (30) days of receiving final approval or prior. – **Unanimous**

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.

Present: *No representation requested.*

Voted: Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

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)**

Present: *Craig Ribeiro, Applicant*

Chairman Beaugard opened the hearing on the application by asking Mr. Ribeiro as to what his plans were for that day, to which Mr. Ribeiro responded, as you well know ... March 17th is St. Patrick's Day ... and the New Bedford Half Marathon is also being run on that day ... so we're trying to promote an event towards the runners and their families who will be downtown that day ... and was we did during our last beer fest ... were getting small local craft breweries to sell beer in Wing's Court.

Responding to questions from Chairman Beaugard, Mr. Ribeiro stated that the only means of egress would be from Union Street and from Purchase Street, as well as through the Pour Farm Tavern.

When asked what his plans were for inclement weather, Mr. Ribeiro stated, we'll have to pull the plug on it.

When asked if he was selling tickets, Mr. Ribeiro stated that the event was free, and that the only charge would be for the beer consumed.

When asked how many people he anticipated at this event, Mr. Ribeiro responded, it could be 50 ... it could be 5,000, so we're just rolling the dice with this one ... where planning for the worst case scenario with regard to how many people will be there ... and we'll scale back if needed, especially if the weather is kind of cold or if it's kind of rainy or inclement ... we're going to pull it back to what we did with the Pumpkin Beer Fest ... where we put the band right at the base at the back door of Pour Farm ... and if it's really bad ... we're going to shut it down all together.

When asked how many police he was planning to hire, Mr. Ribeiro stated that they were going to hire at least two but if the weather looks like it's going to be good, we'll hire four.

Mr. Nanopoulos as a point of information, informed the Board, that based on the Board's request at a prior

hearing regarding a Summerfest event that was going to be held in Wing's Court last year, that Danny Romanowicz, Commissioner of Buildings did an analysis to determine how many people could fit in that area safely; and what he reported back was that you could probably fit 500 people in this area, but to be realistic, an occupant load of 250 - 300 would be more appropriate especially with the new landscaping.

Commissioner Almeida stated that he has concerns regarding the safety of those attending the event based on the unknown number that would be attending, and that it was also St. Patrick's Day.

When asked by Chairman Beaugard if they planned to put up any tents or anything heated, Mr. Ribeiro responded, "No".

Based on the information provided by Mr. Ribeiro, Chairman Beaugard offered the following; if you were to somehow limit it to the 250, which would be a manageable number; and since you're right in between the end of the race and the 'Y' which is where the runners will be changing and the chowder fest is being held ... so you may be getting a number of people stopping by before they change ... so I don't know how you're going to manage those coming and those going.

Mr. Ribeiro responded to Chairman Beaugard's comments by stating that his staff will have 'counters' to control the capacity in Wing's Court, as they have done in the past.

Chairman Beaugard then asked, how will you will be able to control the capacity when you have people stopping in for a beer by entering and exiting from two different entrances/exits, so how do we get some control on that; to which, Mr. Ribeiro responded, the best answer I can give you right now is that I'll just hire somebody to be just a head counter, that will be his job for the day ... just counting heads.

Chairman Beaugard then clarified his earlier comments about the capacity by stating, I'm not saying the 250 is cast in stone ... 260 ... 270 ... but I think the 500 number may be a problem based on the information provided by Mr. Romanowicz.

Commissioner Almeida once again voiced his concern regarding safety issues by stating, you're going to have a hard time getting more police officers if you need them because that's going to be a day where every police officer in the city is going to be tied up.

Commissioner Almeida then asked the Detail Officer who was present to weigh in with any information he may have regarding the issue of police details.

Officer Paiva stated that he did a walkthrough with Mr. Ribeiro and that he had the same concerns as the Board regarding the amount of people that will be allowed in the Wing's Court area, as well as how they planned to control the amount of people entering that area, especially if it's a good day; as well as those that enter Wing's Court through the Pour Farm.

Mr. Ribeiro stated that he planned to do what they've done in the past ... we have a door guy that works the front door of the Pour Farm, and he's the guy that counts the actual heads that are inside the Pour Farm ... and we hire somebody for the back door, which we do on a normal Friday or Saturday night ... but the challenge there is ... when we're full ... you'll have people coming in and people going outside ... but as we do on Friday nights when we have bands ... we'll stay on top of it ... outside will be a bigger challenge because of the two entrances/exits.

Officer Paiva continued voicing his concerns by stating, I looked back at last year's race day which was a beautiful day and now you add into it one of the biggest drinking days of the year ... St. Patty's Day ... I think there should be some cause for concern in how you're going to control the amount of people entering Wing's Court ... which not only will be runners and their families but also those that stop out of curiosity, as well those that will be in the downtown area barhopping on St. Patty's Day; so I think you need to have a plan in place in case the number actually is towards the higher amount ... and I think that's what we'd be looking for as well as what I think the Board's looking for at this time ... but I don't think there's a definite plan in place at this time.

Mr. Ribeiro responded to Officer Paiva's comments by stating, unless I can come up with something different right now ... even if I have a head counter stationed on the back porch area who would communicate with the two people at the other two gates ... I think we still might potentially have a problem controlling the number but that's what we've done in the past.

Chairman Beaugard then asked Officer Paiva, you mentioned early that you still don't have a sufficient number of officers to cover the road race itself, to which Officer Paiva responded, we're still short roughly 20 Officers as of now, the event itself is the biggest event held in the city and it requires the most amount of officers to be on duty at one time.

Officer Paiva stated that the whole day is going to be a challenge, not only do you have the road race but you have other St. Patrick's Day events that also will require a police presence ... we can do it ... but it's going to be a challenge ... it's going to be a tough day.

When asked for his assessment of being able to provide Detail Officers for the requested time of hours of 12:00 p.m. until 8:00 p.m., Officer Paiva stated that the hours from 12p.m. - 2 p.m. is going to be hard because you have officers working the road race, and you still have officers on their regular shift; and added that the manpower during those hours are at a premium, it's the single biggest one-day event manpower wise held in the city ... even bigger than the Portuguese Feast ... but it could be done ... but it's going to take some work to get officers there.

Upon listening to the information provided by Mr. Ribeiro and Officer Paiva, Commissioner Almeida made a motion to deny the application based on his concerns regarding public safety, stating, if something were to break out over there with so many people, and there's not enough police officers to respond, and if someone gets hurt, we're going to be liable.

Commissioner Craig stated that he could not offer a second on the motion because he felt Mr. Ribeiro has held events in the past, admittedly not as big as this one, but he has had events there that have been successful; and being the fact that the event is starting right towards the end of the road race there will be other officers available not dedicated to that particular detail, so should an emergency arise, I feel that they can get there in time; and if this doesn't go well, we can always discontinue it in the future; so my feeling is that I would like them to have a shot at it this year.

The motion to deny the application failed for a lack of a second; at which point Chairman Beaugard asked for a new motion.

Commissioner Craig made a motion to approve the application as presented with a stipulation that the capacity be held between 205-300 people, as previously recommended by the Building Commissioner as a safe number.

On a second by Chairman Beaugard, the motion to approve the application with the stated stipulation passed on a 2-1 vote, with Commissioner Almeida voting against, based on his previously stated concerns.

VOTED: Commissioner Almeida made a motion to take up **Item #'s 6 - 22** at one time; waive reading; and approve the applications as presented – **Unanimous**

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 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 **Friday, March 8, 2013 from 8:00 p.m. until 9:30 p.m.**

13. APPLICATION, (No Representation Needed) – LATE FILE

Irmandade Do Divino Espirito Santo Do Pico, Inc., Guida M. Rocha, Representative requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘Harvest Dinner’, and to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, March 9, 2013, from 6:00 p.m. until 11:00 p.m.**

14. 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)**

15. 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.**

16. 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.**

17. 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.**

18. 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.

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, April 18, 2013 from 6:00 p.m. until 7:00 p.m.

20. 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.

21. 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)

22. APPLICATION, (No Representation Needed)

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)

23. 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.

Present: Ronald Moura, Licensee; Atty. Blair Bailey, Asst. City Solicitor (Tax Title)

Mr. Moura submitted documentation that showed that he did not owe any personal property tax, and added that the property that the business is on (which is in tax title) is under Antone Moura and that his name is Ronald Moura, and that his father was the owner of the property for 67 years until his death a few years ago; and that he’s the only survivor outside of his son, and that he’s in the process of getting everything transferred over; and

that he planned to go to the Treasurer's Office to put some money down to continue his payment plan. When asked by Chairman Beauregard when his father passed away, Mr. Moura stated that he passed away in 2008 but there have been some complications in getting the property transferred; and that he was told by Mr. Nanopoulos a few years ago that he had to apply for a Class II license under his own name, and that he couldn't operate the business under his deceased father's name, so he changed the business into his name.

Atty. Bailey then reviewed his payment history on the property, which showed that there had not been any payments made on the real property taxes since August of 2012.

When asked by Chairman Beauregard if he was prepared to make a payment, Mr. Moura responded, "yes".

When asked by Chairman Beauregard as to the payment amount he was prepared to make, Mr. Moura responded, when I go down to find out how much she needs, I'll give it to her.

Atty. Bailey estimated that it would take a payment of roughly \$6,000.00 in order for the city to enter into a payment plan with Mr. Moura on the balance of the Tax Title amount, which would include being current on the first three quarters of his 2013 taxes, as well as the required down payment on his Tax Title amount; Atty. Bailey also informed Mr. Moura that his old payment plan was no longer valid due to changes approved by the City Council, and that he had to enter into a new payment plan.

Mr. Moura agreed to the \$6,000.00 estimate and stated that he would be in tomorrow to see Peggy in the Treasurer's Office to make a payment, and set up a payment plan on the balance, to which Atty. Bailey approved; with the suggestion that the Board table the matter to its next meeting to ensure that what was agreed to was carried out by Mr. Moura.

VOTED: Commissioner Almeida made a motion to table the matter until the Board's March 27th meeting, with no further action to be taken, if the agreed amount is paid and a signed agreement on the balance is signed by Mr. Moura.– **Unanimous**

24. 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 (30) cars by the Office of Inspectional Services.

Approval of the MV 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 a Business Certificate from the Office of the City Clerk.

Present: Jennifer M. Diaz, Applicant

Mr. Nanopoulos informed the Board that this is a 2nd location for Union Auto Towing, Inc., which is located on Rodney French Boulevard; and that they had previously looked at putting an annex across the street from this location but for various reasons it did not work out, so they're applying for a license for this location, which will be considered a second location not an annex.

Responding to questions from Chairman Beauregard regarding the name associated with the business, Ms. Diaz stated that this location will be used primarily to sell cars, whereas, the other location will be primarily used to repair cars, and as a towing facility.

Responding to further questions, Ms. Diaz stated that there would not be any repairs done at this location, just the selling of cars; and they would not be storing cars there that they tow and that the repairs would be done at the other location; and that they are looking to be licensed for thirty (30) cars as previously approved; and that the hours of operation would be from 8 a.m. until 5 p.m. Monday through Saturday.

VOTED: Commissioner Almeida made a motion to approve the application as presented, pending receipts of all necessary documents; and to approve the license for the display of Thirty (30) cars, as previously approved – **Unanimous**

25. 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.

Present: Catherine Carter, Manager/Co-Owner along with Barry W. Flynn, Co-Owner; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Michael Paiva, Detail Officer

Upon being asked by Mr. Nanopoulos if they had received a copy of the 'Hearing Notice', and if they had read the summary contained in the notice, and if they understood why they were requested to appear before the Board based on the summary, and the list of alleged violations contained in the 'Notice', both Ms. Carter and Mr. Flynn stated that they did.

When asked by Mr. Nanopoulos if they wanted him to read the written incident summary contained in the 'Hearing Notice', both Ms. Carter and Mr. Flynn stated that would not be necessary, and they waived the reading of the summary.

Chairman Beauregard opened the hearing by stating, you both know why you're here ... the Board has some concerns regarding some promotional material that's come to the Board's attention ... by way of posters that

we've seen locally or some material that Mr. Nanopoulos pulled off the internet regarding promoted events that have been held at your establishment ... including advertisements on promotional posters for drink specials ... shot specials ... and we like to hear from you as to what's going on ... what's happening as it relates to these promoted events.

Mr. Flynn responded, as far as the drink and shot specials ... any specials we run ... we run for seven days or a month, whatever the case may be ... as required by law ... as far as Happy Hour, that's not us ... we do book DJ's but 99% of the time, we use our own DJ's ... which we've used for the past number of years ... so, I'm not sure what the rest of the question is.

Chairman Beauregard stated, our concern as a Board is that we're reading into some of these promotional posters that you're turning over control of the establishment to these promoters, where they're managing the doors; to which Mr. Flynn responded, it's me on the door on every night of the weekend, as well as my bouncers who have been with us for a while, which I can confirm with payroll ... we don't turn our club over to anyone ... either Catherine or myself make all the decisions regarding the premises.

When asked by Commissioner Craig about the drink specials that are noted on the promotional posters, Mr. Flynn stated, it's more of a sales gimmick than anything else ... we're trying to get the college kids in.

When shown the poster by Commissioner Craig, Mr. Flynn commented, we don't have cover charges at all ... so I don't know why that's on there.

When informed that the Board received a Police Report in which Jose Carrion was noted as the promoter for the event, Mr. Flynn responded, the only thing Mr. Carrion does for us is book DJ's ... that's all he does for us ... he doesn't work for us ... he's not employed by us ... he just brings the DJ in ... and it's only once in a great while that we bring a DJ in ... most of the time we use the same DJ's we've used for a number of years.

When informed by Chairman Beauregard that one of the posters states that the event is hosted by him at Catwalk under Casual Entertainment, Mr. Flynn responded, but he doesn't take over the premises ... he brings the DJ ... but it's all our security staff ... we check the I.D.'s ... it's all our bartenders ... everyone works for us ... all he does is bring in the DJ ... he's the contact for the DJ.

Chairman Beauregard concluded his remarks by stating, I think you have an idea what the Board is looking for as it relates to what you can and what you cannot do, to which Mr. Flynn responded, "I do".

With no further questions from the Board, the following motion was made and passed.

VOTED: Commissioner Almeida made a motion to receive and place the report on file, with no further action at this time – **Unanimous**

Licensing Board's Written Decision Dated 02/28/13:

Your recent hearing before the Licensing Board was the result of signage and placards indicating the possible use of promoters in your establishment. The rules and regulations regarding promoters, drink specials and cover charges were discussed and as a result of this discussion, the Board voted unanimously to receive and place the report on file with no further action at this time. I am confident the Board and the Police Department clearly explained to you the rules and regulations as they pertain to the use of promoters, and your testimony confirmed the Board's position.

The Board again reminds you of the following ABCC and New Bedford Licensing Board Rules and Regulations:

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 premise:

- At no time should the control and advertising of the premises be in the control of anyone other than the licensee.
- Bottle service and drink specials' are a violation of the "Happy Hour" regulation.

The type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board

26. 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.

Present: Atty. Greg Koldys along with Audrey Carter, Manager/Owner and Amy Cabaña, Employee; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Michael Paiva, Detail Officer

Upon being asked by Mr. Nanopoulos if she had received a copy of the 'Hearing Notice', and if she had read the summary contained in the notice, and if she understood why she was requested to appear before the Board based on the summary, and the list of alleged violations contained in the 'Notice', Ms. Carter stated that she did. When asked by Mr. Nanopoulos if she wanted him to read the written incident summary contained in the 'Hearing Notice', Ms. Carter stated that would not be necessary, and waived the reading of the summary.

Chairman Beauregard opened the hearing by stating to Atty. Koldys, I'm sure you probably heard a little bit during the last hearing that we've had some issues with promoters and establishments ... this is not Ms. Carter's first appearance before this Board ... she's appeared before us in the past at which time we had some discussions with her on VIP Area's ... and Bottle Service ... we think we made it clear ... I thought we made it clear on what can or what cannot be allowed ... but yet we're still seeing some promotions around town that clearly indicate that it's continuing.

Atty. Koldys responded by asking, I guess the question is, what is it that you think is continuing?

Chairman Beauregard responded, it's what we're reading in front us (referring to the promotional posters that were before them) ... such as VIP Services that are being promoted on these promotional posters.

Atty. Koldys responded to the VIP Services issue by stating, it's my understanding that they don't include anything in terms of drinks, it's just an opportunity to sit in a particular area where there's some additional security but it doesn't include any kind of liquor in terms of bottles ... it doesn't involve any VIP pricing ... it doesn't include anything else.

Chairman Beauregard responded by asking Atty. Koldys, "What is the additional security? ... Why would you need it?"

Atty. Koldys responded, I think it's just to keep an area fairly private if there's a small party that does not want to be bothered by anybody else ... where they can sit in couches or lounges or whatever ... and not have everybody else in the place basically walking in on them ... interfering with their conversations amongst a group of friends.

When asked by Chairman Beauregard if they charge for that, Atty. Koldys looked to Ms. Carter to respond, who stated that they do charge to sit in the area.

When asked by Chairman Beauregard how much she would charge on a typical Friday or Saturday night, Ms. Carter responded, it would depend on the event ... can we do a specific?

Chairman Beauregard responded, I'm asking you?

Ms. Carter responded, if we bring someone in to do a concert and the ticket is \$25.00 ... it would be an additional 10 to 20 dollars ... depending on the party ... depending on how many people you would have in the VIP Area ... and again there is no bottle service ... and we have detail officers there ... we also have a security guard making sure that nobody else can go into this area to bother those people that paid for it.

In reference to a promotional poster for the event, Chairman Beauregard asked the following of Ms. Carter.

When asked if she held a show by Joe Budden, Ms. Carter stated that she did.

When asked about the VIP Package that was promoted that included pictures, autographs, and drinks for \$75.00, Ms. Carter responded, I think the wording wasn't right; Atty. Koldys offered that the poster wasn't artfully worded in terms of the advertisement, but drinks weren't included in that ticket price.

When asked about the phone number on the poster, which was a contact number for VIP Section Seating for the

event, neither Ms. Carter nor Ms. Cabaña could identify the number after being given ample opportunity by the Board.

Based on Ms. Carter's inability to identify the phone number, Chairman Beauregard stated, if you're selling tickets ... then clearly this is not your phone number or you would have known right off the bat that it was your number or the Sky Room's number ... then you must have had someone else selling tickets ... "right?"

Ms. Cabana responded to Chairman Beauregard's comment, sometimes we have people sell tickets for us ... sometimes I'll give them to one of my girlfriends ... that was probably one of our employees ... one of his best friends selling them but not a promoter or anything like that.

When asked by Chairman Beauregard if that was a promoter's phone number on the poster, Ms. Cabana responded, no sir.

Referencing the poster for the January 25th event at which Joe Budden performed, Atty. Koldys stated, obviously the Sky Room hosted the event as stated on the poster (The Sky Room Presents) ... it was the Sky Room that basically hired the entertainment ... there wasn't a promoter involved in that.

When asked by Chairman Beauregard, then who is 'Urban Royalty Entertainment', Ms. Cabana responded, they're a company that brings in DJ's who we use when we have our club nights as well ... so they bring in the photographer and DJ as well for the night.

Chairman Beauregard then recognized Officer Paiva, who serves as the Detail Officer, and schedules the Police Details when requests for officers are submitted.

Officer Paiva offered the following testimony regarding Ms. Cabana's request for a Police Detail by stating, when I reached out and spoke with Ms. Cabana initially, I asked her how many tickets she sold, and she stated less than 50 ... but when she came in the next day to apply for a Police Detail ... I asked her if it was more ... is it 250 ... is it 300 ... she said, 'yeah' ... but when we checked Facebook ... there were postings stating that they only had 17 tickets left.

Officer Paiva continued his comments by stating, I have an obligation first ... to the people that live in New Bedford and to those that come into New Bedford for certain events ... as well as to my fellow Police Officers that are hired for those events ... that they are safe ... and on April 23rd of last year ... we had a meeting with Ms. Carter in front of this Board ... and in that meeting, Ms. Carter was informed that the police department has final say on how many detail officers are required at an event at the Sky Room ... and stated I informed Ms. Cabana that four detail officers should be assigned to this event ... and I thought that four was reasonable given that I went on line and checked it out ... I did my homework ... I thought I was being more than generous in requiring just four officers ... then the next day I'm getting calls from City Councilors asking, why are you doing this ... why are you requiring four ... and explained to Councilor Gomes that four officers was reasonable based on the layout of the Sky Room ... the club itself is on the 3rd floor ... you have the platform and elevator on the first floor ... and you have the back entrance ... with only two officers ... if one of those officers were to get separated ... they could get jumped ... they have a gun ... I want one cop watching the other cop's back ... I stood my ground ... we talked and we came to an agreement that four was enough ... because if it was only 50 tickets ... let's face it ... we wouldn't have required four officers.

Ms. Cabana responded to the comment about the post, 'that there were only 17 tickets left to sell' by stating, it was a lie ... I only posted that to sell more tickets.

When asked by Officer Paiva, how many people showed up for the event, Ms. Cabana first stated, I have no idea but then stated, maybe 300 ... 325.

Chairman Beauregard then reviewed all the promotional posters that were pulled off several different promoters' websites by Mr. Nanopoulos as well as the Sky Room's own website, which included those posted by B & E Entertainment, Urban Royalty, Casual Entertainment, and Runway Entertainment.

Chairman Beauregard stated that all the posters were for events that were held at the Sky Room, which included offers in some cases of VIP Specials for an added cost, as well as offers of VIP Seating; and added that all posters had different phone numbers to call for these VIP Packages and Seating, which were not numbers that this office had on file as those associated with the Sky Room; he also stated that there were many posts by these promoters on their website offering VIP Packages and Seating.

Ms. Carter responded by stating, when I found out about promoters and being in fear of them taking over the room ... I hired him (Mr. Carrion) to do marketing and I actually have payroll checks, and he only got paid for the time that he promoted, and to host and to introduce ... because I'm not going to get in a crowd of people

half my age and give a shout out to 'Joe Budden' (performer) ... I think they would laugh at me ... so we have somebody of a more appropriate age ... so now I don't have to worry about doing that any more.

In referencing the post on her website which states, "Saturday, February 23rd, will be our last club night/concert ever! ... We will no longer be open to the public as a public venue ... We are going to be functioning strictly as a function hall for weddings, birthdays, parties, fundraisers, etc", Chairman Beauregard asked, what type of venue are you now going to be?

Ms. Carter responded, strictly a function hall ... weddings ... birthdays ... anniversaries ... fundraisers.

In response to a discussion between Officer Pavia and Ms Carter regarding the type of entertainment and acts that she's had there through the use of promoters, and as to the type of clientele they attract, Capt. Vicente stated, you came before the Board two years ago ... and we all heard plans to run a function hall ... and that was a great idea ... but you went in a different direction ... and you know as well as I do ... the direction that you've gone in has attracted a certain type of clientele, which has led to most of your problems ... some of the clientele that I've seen coming out of there are documented gang members ... this past weekend ... you had gang members in your establishment that were documented by our Gang Unit coming out of your place ... and there was one arrest of an individual who was out of Providence.

Capt. Vicente concluded his remarks by stating, the point I want to make is ... as the person in charge of the Detective Unit and as the liaison to this Board ... I don't like to see these types of things happening because it's just a recipe for disaster ... it's only a matter of time before someone is going to get shot in that parking lot ... the clientele you're bring in is not the clientele you want.

Ms Carter responded, as we posted on our Facebook page, that was our last 'club night' and we're not going to be hosting those types of events going forward.

Commissioner Almeida responded to Ms. Carter's comments by stating, you've been saying the same thing to this Board since November 24, 2008, to which Ms. Carter responded, unfortunately I needed the revenue.

Commissioner Almeida responded, that's not a concern for this Board ... but you made certain statements to the Board on which this Board based their approval ... this Board did not approve a nightclub.

Atty. Koldys responded that was probably the intent but there are obviously economic issues that needed to be addressed, to which Commissioner Almeida asked, "So, the solution was to bring promoters in?"

Atty. Koldys responded, I have posters here for XS Nightclub and the Catwalk that showed the same type of advertisements of promoted events that include VIP Services, and they seem to me that they might be promoters.

Ms. Carter and Ms. Cabana both stated that the person running Casual Entertainment is an employee of the Sky Room, and not a promoter.

Ms. Carter then stated, when it was explained to me by Capt. Vicente and the Chairman at the last meeting with regard to the seriousness of the issue, and what could happen ... by releasing control to a promoter, which would take advantage ... we changed the policy and got someone to do marketing ... hence, they're only getting paid for the time they're putting in advertising ... but prior to the Joe Buddin show ... we advertised that this would be our last club night.

There was further discussion with regard to the information on the poster and ticket sales with regard to the lack of accountability and control when these types of events are held.

When asked by Chairman Beauregard, Atty. Koldys stated that this was the first time that he's represented this establishment; to which Chairman Beauregard responded, so we've had numerous conversations down this road in the past.

Atty. Koldys responded, I guess my point is that she's attempted to comply with what you've asked her to do, in terms of not having or using a promoter to which Chairman Beauregard responded; from what I'm reading here tonight ... it is not indicative that promoters are not involved.

Ms. Cabana continued to insist that the names that appear on the promotional posters are employees of the Sky Room, and that they do not offer VIP Services or Bottle Service at any time.

There was further discussion regarding the different contact numbers on the posters, which were not numbers that are on file with the Licensing Board office, as official contact numbers.

When asked by Atty. Koldys, is it improper for them to have an employee of the Sky Room who is responsible for putting in ads ... or for placing ads in regards to a function ... but not taking over the room ... and not being the one that is presenting it ... but serving as the host at that kind of a function.

Chairman Beauregard responded, you can hire somebody to hire DJ's or to promote your establishment ... providing you're not relinquishing control of the premises ... this is what we're trying to get a feel for tonight ... when we read these posters ... I think you see by looking at them ... there's some question as to who's in charge of the event.

Atty. Koldys conceded that the wording (VIP Service, Bottle Service, Drink Specials, etc.) was such that one could draw that conclusion but stated that he had spoken to his clients, and they assured him that was not the case that there were drinks involved in the VIP Package relating to the Joe Buddin poster.

When asked by Chairman Beauregard if he would be willing to draft a letter to the Board stating Ms. Carter's stated intention that she would no longer be hosting these types of events, as well as indicating to the Board the direction Ms. Carter would be operating her business moving forward; upon reading what Ms. Carter posted on her Facebook page, Atty. Koldys stated, if you're looking for us indicate to you that Ms. Carter would no longer hold any more 'club nights', I think we would be willing to do that.

Mr. Nanopoulos informed the Board that there have been rental hall agreements submitted for 'club nights' scheduled for every month through the end of the year, to which Ms. Carter stated that she would send in new hall rental agreements canceling those dates; and added that she had already taken those events down from her webpage.

Ms. Carter was warned once again by Capt. Vicente and Officer Pavia, that 'it was a recipe for disaster' if she continued down this road with 'club nights'; or any kind of hall rentals that cater to the clientele that members of the N. B. Police Department have observed entering and exiting her establishment, during certain events held there in the past.

When asked by Atty. Koldys to clarify the Board's position regarding what type of entertainment would be acceptable, Chairman Beauregard responded, I can't even preclude her from having Joe Buddin ... if that's her desire to bring Joe Buddin in ... as long as she's running the operation ... the Board can't dictate what she's going to do down there ... but I think it would be very beneficial for this Board ... because of the history of the Sky Room ... if we had something in writing that laid out her intentions ... I'm not going to hold you to the specifics of it ... but as long as we had some general idea as to the venue ... such as ... I'm going to do more meals ... I'm going to do more age appropriate events ... 30 ... 40 ... 50 ... 60 ... whatever road you want to go down.

Capt. Vicente added, my concern is that this was never intended to be a night club, you shifted in that direction and I understand why but you've gone against everything you said you were going to do when you first came here to apply for your license.

Ms Carter questioned why the minutes didn't reflect her saying that she would be having the occasional club nights.

Mr. Nanopoulos responded by stating, I do the 'meeting minutes' ... and they reflect everything that is said during the meeting that is pertinent; Mr. Nanopoulos then read a portion of the meeting minutes of 11/24/08 that read as follows: "When Chairman Beauregard asked Ms. Carter to review with the Board what her plans were for The Sky Room, Ms. Carter stated that she planned to operate it strictly as a function hall and to rent the hall for weddings, showers, retirement parties, and other types of non-profit events and fundraisers; she added that she didn't want to continue the types of events that have been booked in the past through promoters who host the type of entertainment, which in her opinion might give The Sky Room a negative connotation to the general public.

Responding to the billboard poster Chairman Beauregard showed to Ms. Carter, she stated that these are the last of these type of events that will be booked; and that she felt that within the next 3 to 6 months through the networking she has been doing, that she will have The Sky Room pointed in the direction that she wants to go in; she added that she has already started booking business events such as business after hours events and social events to expose The Sky Room to business owners who may consider her facility for their business or family functions; and that she didn't want to hold those questionable type of events that have been booked through promoters because she wanted The Sky Room to be known as a safe and user friendly type of facility, such as the Hawthorn Country Club, Century House, or Venus De Milo.

Mr. Nanopoulos concluded his remarks by stating, Ms. Carter stated that she felt that within the next 3 to 6 months through the networking she has been doing, that she will have The Sky Room pointed in the direction that she wants to go in, and she stated that on November 24, 2008 ... and it's still going on five years later.

Ms. Carter responded, I remembered saying that but I also thought I said that I would be hosting occasional 'club nights', to which Chairman Beauregard responded, but that was five years ago at which time you also said that you would end that practice within 3 to 6 months.

Ms. Carter responded, obviously a lot longer than I anticipated.

Atty. Koldys defended his client by stating, obviously the economy's changed since 2008 ... 2009.

Responding to Ms. Carter's comments that they are now concentrating on weddings, showers, high school reunions, birthday parties, retirement parties, etc., Chairman Beauregard once again requested that they put something together describing in what direction Ms. Carter is now going with her business, to which Ms. Carter responded, "Absolutely".

Chairman Beauregard concluded his remarks by stating, I hope after everything that was conveyed to you by everyone in this room, you now have a very good understanding of what is expected, to which Ms. Carter responded, "Yes I do, that's why I posted that (no more 'club nights')".

VOTED: Commissioner Almeida made a motion to issue a warning and to receive and place the report on file with no further action at this time – **Unanimous**

Licensing Board's Written Decision Dated 02/28/13:

Your recent hearing before the Licensing Board was the result of information contained on promotional posters, Facebook advertisements and the possible use of promoters in your establishment.

Evidence was presented by the Board where it could be construed that violations were possible and after lengthy discovery and council, the Board voted unanimously to issue you a warning and to receive and place the report on file with no further action at this time. As a result of your admission that promoted events would no longer be occurring, this Board requested that you submit a business plan detailing your plans for your establishment. We are also requesting that you submit copies of the blue payroll stubs that you offered as evidence indicating that Mr. Carrion was an employee of the Sky Room. I ask that these forms be submitted **within five (5) days of receipt of this notice**. Failure to comply with this request could result in further sanctions by this Board.

I would suggest that the Board and the Police Department clearly explained to you the rules and regulations as they pertain to the use of promoters and your testimony confirmed that this practice would no longer continue. The Board again reminds you of the following ABCC and New Bedford Licensing Board Rules and Regulations:

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 premise:

- Signs and advertisements must be neat and dignified.
- At no time should the control and advertising of the premises be in the control of anyone other than the licensee.
- Bottle service and drink specials' are a violation of the "Happy Hour" regulation.
- The type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board; and any entertainment that is being advertised or being offered that is exotic in nature, must be within the guidelines set forth in the Licensing Board Rules & Regulations. (Nos. 40 thru 46)

- **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)

ACTION TAKEN: Received & Placed on File.

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)

ACTION TAKEN: Received & Placed on File.

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.

ACTION TAKEN: Received & Placed on File.

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

ACTION TAKEN: Received & Placed on File.

• **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. United Fisherman Club Event ---LATE FILE--	#13-1728-OF	02/16/13	Disturbance/Promoted

**Multiple Police Units Required
To Regain Control of the
Scene; Intoxicated Person**

Decision: Bring In For Hearing on 03/27/13

- **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 - D/N RENEW – LICENSEE DECISION

Class II (Used Car Dealer license) - 4

1. Capitol Motors, 384 Dartmouth Street – License being held due to tax issues – See Item # 23
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.

ACTION TAKEN: Requested that Atty. Flor research this matter and advise the Board as to how to proceed with regard to this matter.

- **Upcoming Summer Events & Festivals (Informational Only)**

- **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</u> (-1)

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
46 Filing Fees	\$3,505.00
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.**

ACTION TAKEN: Received & Placed on File.

Tabled at 07/23/12 Meeting

APPLICATION, - Plot # 107—33, 35, 37, & 39

Jose S. Adao, who resides at **9 Mary Ann Way, Dartmouth, MA.** who is requesting approval of his application for a **Motor Vehicle Class I (New Car Dealer) Annex License for Joe's Auto Mall, Inc. d/b/a Auto Mall Kia**, with premises situated at **548 Belleville Avenue.**

Note: Applicant was approved for a 'Special Permit' by the City Council on February 12, 2009.

Item # 16 to be referred to the Planning Board per Jill Maclean, Acting City Planner

- **NEXT TWO (2) MEETING DATES:** March 27th (Wednesday/"Revised Date) & April 22nd

(Monday) - Approved

- **MEETING ADJOURNED: 8:30 p.m.**