



Licensing Board

April 22, 2013 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-MINUTES-

Monday, April 22, 2013

Room 314 - 7:00 p.m.

Prior to opening the meeting, Chairman Beauregard asked for a moment of silence to remember those who were lost and injured in the Boston Marathon Bombings this past week.

PRESENT: Steven A. Beauregard, Chairman
Marcelino “Sonny” G. Almeida, Commissioner
Edmund F. Craig, Jr., Commissioner
Atty. John Flor, Asst. City Solicitor
Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.
Nick Nanopoulos, Director

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager - Trans. # 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**.

Approved By ABCC – 03/25/13

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

Addition of an Outdoor Patio Area - Trans. #72 – Plot # 14--198

The Washington Social & Musical Club, Inc., James L. Houghton, Manager, who is requesting permission to **Change the Description of the Club All Alcoholic Beverages** as amended: “To include an outdoor patio in an area approximately 1,080 sq. ft., this will be enclosed by a 6 ft. chain link fence and shall be used for outdoor seating for club events only. The 30’ x 36’ ft. area, which is contiguous to the licensed premises, is located on the east side of the building, and will include a seasonal bar with four (4) tables for the seating of sixteen (16) patrons, and will be accessible through a side entrance/exit located through the kitchen area. There will be one additional emergency entrance/exit located in the front of the first section, which leads into the driveway. **The approved hours of operation are from 11:00 a.m. until 9:00 p.m. daily, at which time all outdoor activity will cease.** The licensed premises will remain as **90 David Street.**”

The approval was made with the following restrictions:

1. Hours of Operation – 11:00 a.m. until 9:00 p.m. daily
2. Recorded music will be allowed to a level that will not be disruptive to the neighbors.
3. No live entertainment will be allowed.
4. All doors will remain closed at all times.
5. Drinks may only be consumed within the licensed area (as described above). Alcohol is only allowed in this area and no other.
6. Signs must be posted regarding noise and the use of vulgar language.

Failure to comply with these restrictions may result in the revocation of the approved privilege of serving and consuming alcohol in the area (outdoor patio) described above.

Approved By ABCC – 03/25/13

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

1. PETITION - Trans. # 071 – Plot # 53-231-B

Matterhorn RE, LLC d/b/a ‘Cork’, Jason P. Lanagan, Manager of LLC, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor patio area

approximately 1,027 sq. ft. (35'-3"x 29'-1") to be used as a 'Sidewalk Café', which will be enclosed with 28" high planters that will be used to rope off the described area, and will be used for seated dining purposes only. The enclosed area, which will include Ten (10) tables for the seating of Forty (40) patrons, as well as a Hostess Station, will be located on the east side of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the north side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1ST through October 30th**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) - Item #'s 8 & 15).

The licensee is also requesting a **Change of Manager from Jason P. Lanagan to Nicole Corbett**. The licensed premises will remain as **90 Front Street**.

Application has been advertised; Abutters have been notified

Present: Jason P. Lanagan, Owner along with Nicole Corbett, Proposed New Manager; Danny Romanowicz, Commissioner of Buildings and Michael Gomes, Fire Chief

Chairman Beaugard opened the hearing on the petition by stating for the record, I did go down and met with Mr. Lanagan and did look at what he is proposing for his outdoor seating.

When asked by Chairman Beaugard to state for the public record and the Board, what he's proposing to do down there, Mr. Lanagan stated, so, with the completion of the 'Rte. 18 Project' ... there's outdoor space that's made of square brick ... that we've been told by Planning, the Historic Commission, and the EDC ... that this area was designed for this particular use once the project was done ... and upon speaking with the staffs of the Historical Commission ... City Hall... the Licensing Board ... we determined that the area had to be contiguous to the already licensed area ... which is why it's designed the way it is ... the idea is to use it for full service dining both for lunch and dinner ... it could be used 7 days a week ... the business will determine whether or not we use it Monday ... Tuesday ... or Wednesday for lunch or whatever ... but we could use it during the season for 7 days.

Mr. Lanagan continued his comments by stating, the one thing I did want to mention ... in the application ... is that ... after walking the site and looking at other similar types of seating arrangements at other places throughout the state ... the 28 inch (height of enclosure) might be a little bit low because of the exposure from the highway ... so just as a heads up ... we may be looking to put shrubs of some substance that would block those elements emanating from the highway ... such as dust and other such things.

When questioned by Chairman Beaugard as to how the area would be enclosed relative to the shrubs that were discussed, Mr. Lanagan responded, the plan would stay the same as submitted ... the only thing that would change is that the shrubs would be a little bit higher to address those elements emanating from the highway.

When asked by Chairman Beaugard if he was proposing any outdoor entertainment, Mr. Lanagan responded, yes, at times ... like on AHA! Nights ... or Sunday afternoons ... very similar to what we do now.

When asked by Chairman Beaugard if he had an idea of what type of entertainment you'd be looking for ... as you well know, we had problems in the past at Rose Alley with the definition of acoustic ... Mr. Lanagan responded, it would be the same people that we currently have on our entertainment list ... it would be your Butch McCarthy's ... your Neil McCarthy's ... your Marcus Monteiro's ... your program as suggested by AHA ... every month AHA asks ... can we put this particular person in your restaurant ... and we go along with it just to help them out ... so we wouldn't be changing the overall concept of the brand that 'Cork' currently is ... so it would be similar to what we offer inside.

When asked by Chairman Beaugard if he would have a manager or hostess outside at all times, Mr. Lanagan responded, yes, if you look at the plan we submitted ... you'll see on the north side of the plan ... you'll see a 'hostess stand' ... so the idea is to have that person there to monitor the area, as well as having a door person or manager on duty who will be looking at that dining area as well ... and there will only be one means of egress.

When asked by Chairman Beaugard if the drinks would be served in plastic cups outside, Mr. Lanagan responded, we can do that.

When asked by Commissioner Almeida, if the entertainment would end at 10:00 p.m., Mr. Lanagan responded, it all ends at 10:00 p.m.

Chairman Beaugard then asked if there was anyone present who wanted to speak in favor of the petition, upon seeing and hearing none; Chairman Beaugard then asked if there was anyone present who wanted to be recorded in favor of the petition, upon seeing and hearing none; Chairman Beaugard then asked if there was anyone present who was opposed to the petition, and wanted to speak in opposition to the petition, upon seeing and hearing none; Chairman Beaugard then asked if there was anyone present who was opposed to the petition, to which Mr. Romanowicz, Commissioner of Buildings was recognized by Chairman Beaugard for his comments.

Mr. Romanowicz stated that he was not standing to speak in opposition but that he and Fire Chief Gomes were present to question the occupancy load as a result of the added outdoor seating.

Mr. Romanowicz continued his comments, 'Cork' currently has an occupancy load of 88 and our concern is that, if there is a rainy day ... and you have 'x'-amount of people out there ... and they go inside because of the rain ... that they don't go over the 88.

In response, Chairman Beauregard asked, so what you're saying ... you're including the outdoor number with the indoor number as their total capacity ... so your concern is ... if it starts to rain and all those people go inside ... they would then be over their capacity; to which Chief Gomes responded, that's right ... let's say it's during 'Summerfest' and they're at full capacity both indoors and outdoors and a thunder shower occurs ... and all those people go inside ... they would then be over capacity ... until such a time as they become fully sprinklered, which they're under orders to do.

Chairman Beauregard then addressed the issue with Mr. Lanagan by asking ... do you understand what he's saying ... this didn't come across to us ... because my thought process is ... when you're at 88 ... then you know you can't put another body inside the building.

Mr. Lanagan responded, that's correct ... that's the policy ... lets say it's 'Summerfest' ... let's say it's at capacity ... first let me say ... by the time 'Summerfest' comes around ... renovations will be 100% complete ... sprinklers will be installed in the building ... I spoke to Moses this afternoon ... I was hoping he would be here tonight so I could give him a copy of the updated plans, which outline all three floors with the sprinklers and the occupancy calculations ... we're scheduled to sign a contract and pull our permits for the work in the next couple of weeks ... as well as wrap the other ongoing renovations that are illustrated here, as well as on previous plans ... so to answer your question ... by the time 'Summerfest' comes along ... all the renovations will be done ... and the sprinklers will be in ... but to take it a step further ... if 'Summerfest' was in fact going on and we were at capacity inside regardless whether or not it's at peak ... as well as what's going on inside ... that's why we have the host up front and the person outside ... if we run into an event ... and we need to tell people ... listen ... we're at capacity ... we understand that it's raining.

Chief Gomes stated that he was in favor of the outdoor seating but added, my only point is that at this point in time ... you only have a capacity of 88 ... if something were to occur and you were at capacity inside ... we would expect you not to allow those people to enter the building ... that's our number one concern ... you know you have your issue with sprinklers ... what you stated tonight about your plans to be sprinklered ... this is the first we've heard about it ... although you acknowledged and have accepted that you need to be sprinklered ... up until this point in time ... so again, based upon the current circumstances ... I would support your application with the stipulation that your occupancy not be allowed to go over 88 ... until such a time that your capacity has been increased upon being sprinklered.

Mr. Lanagan then addressed the timing of the process by stating ... hopefully we'll get approved today and it goes up to the ABCC ... the time it's going to take to build the planters and structures to enclose the area as well as the furniture ... would be done in the same time frame that we'll be installing the sprinklers and finishing the renovations ... as it's going through the process with the ABCC ... so all that stuff will happen at the same time and the outdoor seating component, pending approval, would happen after the sprinklers are installed ... and the sprinkler installation is slated to begin in the next two weeks or so.

Mr. Romanowicz and Chief Gomes requested that if the application were to be approved, that it be approved with the stipulation that indoor capacity not be allowed over the current capacity of 88, until such a time that a new capacity load is approved, which would not occur until the sprinkler system is installed.

Chairman Beauregard then addressed the portion of the application regarding the change of manager by asking Ms. Corbett as to her experience with managing a bar or restaurant, as it relates to the service of alcohol.

Ms. Corbett responded, I've been a waitress for about 16 years ... I've served as a corporate trainer for my previous employer (Not Your Average Joe's) ... I've been trained in all positions ... I've been asked to manage at that restaurant but I was too committed to my family at that time ... I've been with 'Cork' for a year and half now ... I've worked on liquor ordering ... scheduling ... administrative things ... in working with Al Peters and Jay Lanagan ... and in the year and a half that I've done it ... I think I've really grown a lot ... I've seen a lot of progress in the daily operation of the business.

When asked if she was clear with what Mr. Romanowicz and Chief Gomes just stated regarding the occupancy of the proposed outdoor patio area with regard to keeping track of what you have inside with what you have outside, Ms. Corbett responded, yes I am ... actually that's something that we've had to address before ... I've kept the downstairs closed ... so that when we've had like on a late Friday or Saturday night ... I've closed the downstairs so that we don't fill the downstairs and upstairs, and go over capacity ... so we're much more aware of our capacity, since we were found in violation last year.

When asked by Commissioner Almeida if she was T.I.P.S. Certified, Ms. Corbett stated that she was as well as the whole staff; and that she also came by the office, and met with Mr. Nanopoulos, who gave her a copy of the Licensing Board's Rules & Regulations, which she also printed out from the city website and gave a copy to each member of her staff, as well as reviewing the 2 a.m. closing time procedure and occupancy load requirements with them.

Mr. Nanopoulos reminded everyone that, if approved, the matter still had to go before the Planning Board on May 8th, and

that the application could not be sent up to the ABCC until that approval is received and he receives a copy of the Planning Board approval, which must be included in the application packet to the ABCC.

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, pending final approval from the Planning Board on May 8, 2013 – **Unanimous**

Note: Mr. Lanagan was reminded that he should be mindful of his current capacity inside (88) and outside (40), until such a time as the premise is fully sprinklered, and his current capacity is adjusted.

2. PETITION - Trans. # 101 – Plot # 52--284

New Wave Café, Inc., Debora A. Casey, Chapter 7 Trustee, license currently issued for use at **143-145 North Front Street**, who is petitioning for a **Transfer (Bankruptcy Estate Sale) and Change of Location of a Common Victualler (Restaurant) All Alcoholic Beverages License to Columbus Group, LLC d/b/a Columbus Restaurant. Xiaohui Yang (alias Shiawee Yang) is the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC; Xiaohui Yang (alias Shiawee Yang) is also the Proposed New Manager of the Liquor License.** The proposed new licensed premises consists of a 5,240 sq. ft. area that is fully sprinklered and which is located on the first floor of a five-story building, and includes a Dining Area, Bar Area, Private Party Area, Kitchen & Storage Area, Office Area, and Two (2) Handicapped Restrooms. 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; 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 premises is situated on the west side of Pleasant Street, between Union and Market Streets, and **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**’ with regard to Chapter 304 Fire Acts Compliance; along with a copy of ‘**Proof of Liquor Liability**’.

Application has been advertised; Abutters have been notified

Present: Atty. Chris Markey along with Xiaohui Yang (alias Shiawee Yang, Owner and Proposed Manager and Arthur DeMello, Project Manager

Chairman Beauregard opened the hearing on the petition by asking Atty. Markey to give an overview of what is being requested, and as to what the future plans are for the license and building, which is currently being renovated.

Speaking for his client, Atty. Markey stated, this involves, hopefully, filling the old Standard Times Building which is currently being renovated by Dr. Yang who is the developer of the property ... the final design has not been worked out yet as far as the placement of the kitchen, bar, etc. and that probably won't be finalized until a tenant for the restaurant is finalized ... but the footprint on the first floor of 555 Purchase Street as shown on the plans won't change (Atty. Markey proceeded to give an overview of what the current plans show) ... the plan is to make this into upscale restaurant where people can go who are involved in businesses throughout the community ... it's not a place where there will be live entertainment ... it's not a place that will be focused on the bar ... it will be more of a place where people may be going after work for a drink and meeting up with a spouse or a friend to have dinner ... that's the sense at this time.

Atty. Markey continued his comments by stating, there are negotiations going on between different restaurants and chefs who are very interested in the space to have that, whoever, the opportunity has arisen to purchase and transfer a liquor license to that location ... but there may be a bit of a delay just for the renovations and trying to establish how we want to have it exactly according to the chef ... based on the type of menu he'd like ... so in respect to the final finishing touches ... I think we need some time to provide to the Board the details of that as far as that goes ... but the sense is ... the obtaining of the liquor license will clearly assist in filling up the whole building, particularly the restaurant area, which was always part of the developing scheme for Columbus Group ... is to make sure that happens ... Dr. Yang has an incredible amount of experience in real estate in dealing with many different agencies ... many different groups and types of people ... and with many different people who may have many different agendas ... so she is more than willing and capable, if need be, to start the development of a restaurant and managing the restaurant ... she is someone who clearly understands customer service, as well as the respect and understanding of the legalities ... and Boards ... and agencies that she's dealt with in getting this to this point.

Chairman Beauregard responded, I spoke with Atty. Markey earlier in the day ... and I also did a walkthrough of the premises with Mr. DeMello, who is the Project Manager ... and the premises is in a currently raw ... there's nothing really concrete there at the present time to see.

Atty. Markey stated that they were still working through some issues to secure the funding for the completion of the renovations, which should be coming very shortly ... within the next few weeks ... the whole project should start moving forward quickly in the next 45 days.

Chairman Beaugard responded, so what you're actually looking to accomplish at the present time is to transfer the license to this location, which was purchased through a bankruptcy sale (New Wave); and then once you find a tenant for the restaurant, another transfer will be submitted with possibly a change of description based on the desire of the tenant (Chef).

Atty. Markey responded, "Yes".

Chairman Beaugard responded, I think if this Board would be so inclined as to approve the license (transfer) with the stipulation, that once you formalize your final plan (finding a tenant) ... you will need to come back to us before you proceed to the next level ... what we'll do is just get that license into that location ... and once you decide if you're going to manage it yourselves or if you're going to bring someone in from the outside to run the restaurant for you ... so whatever direction you decide to go ... this Board will need to review and approve the plan, as we would do with any other restaurant that planned to open up in the city.

Atty. Markey responded, that's fair ... and that would be fine with us ... that would be perfect ... I think a five (5) month time frame would probably be likely ... would that be appropriate?

Chairman Beaugard responded, that would be fine but I would not want to go much past six (6) ... if you've got a game plan at five ... and if it's going to take another couple of months of a construction period ... that would be fine ... but we shy away from 'pocket' licenses ... so we wouldn't want that situation to develop ... from what I've seen and heard ... I don't think that will be the case ... but I don't want you to think that this is an open ended timetable.

Atty. Markey stated that he understood and added that everyone associated with the project has an incentive to have it happen as quickly as possible.

Mr. Nanopoulos reminded Atty. Markey of the conversation they had prior to the meeting, in which he was informed that this was only step one of the process, and as the Chairman stated, a second application would be required for a transfer of license and change of description once a tenant is found unless Ms. Yang chooses to operate the restaurant herself.

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**

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

Centro-Luso American Club, Inc., 34 Beetle Street, is requesting the approval of Scott J. Tripp who resides at 76 Church Street, New Bedford, MA. as their new manager.

Note: On 03/27/13, the Board voted unanimously to suspend the Club's All Alcoholic Beverages license for a period of three days (3) (04/29/13 – 05/02/13), which was held in abeyance for thirty (30) days allowing the licensee a final opportunity to comply with the Board's decision.

(A motion to rescind the Board's decision of 03/27/12 in suspending the club's license for a period of three (3) days is required, based on the application submitted by the club requesting a 'Change of Manager'.)

Present: Scott J. Tripp, Proposed New Manager along with John Claudio, Club President

Responding to questions from Chairman Beaugard, Mr. Tripp stated that he's been the acting manager for the past six months during which time he's ordered the liquor ... he's tended the bar ... and that he's had previous experience working for an uncle who is the 'Ice Chest' in Fairhaven ... and added that he didn't have a lot of experience but he did have some ... and that he planned on being on site at least 30-40 hours ... and that he would be there every Friday and Saturday evenings.

Responding to further questions, Mr. Tripp stated that he and his whole staff would be going for their T.I.P.S.

Certification this Wednesday at 7 p.m. and that there were four other employees that would be going for the training; Mr. Tripp also stated when asked that he was also familiar with the rules and regulations regarding the rental of the hall with regard to who or to who you cannot rent it to; as well as not renting the hall to promoters and outside sources, and that he was aware that 'Under 21' parties are not allowed, such as 'Sweet 16' Parties and coming out parties.

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. Tripp 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**

Voted: Commissioner Almeida made a motion to rescind the Board's Decision of 03/27/12, in which it suspended the Club's license for a period of three days. – **Unanimous**

4. 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 'South Coast Beer Week Event' to be held in Wing's Court, and to be held on Friday, May 10, 2013 from 6:00 p.m. until 10:00 p.m.

Note: The Special Event Permit Application states that the number of attendees would be Fifty (50).

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)

Present: Craig Ribeiro, Applicant

Responding to questions from Chairman Beaugard, Mr. Ribeiro stated, 'beer week' in the craft beer industry is a pretty big event ... we haven't done much around here in the past but Boston just had a huge one ... and there was one in Providence last week ... we're the only tavern participating in any type of beer week ... so we have a few breweries from the west coast ... California and Oregon coming down through a distributor ... and we're going to have a challenge ... east coast vs. west coast breweries ... specifically IPA's ... we're going to have outdoor music ... and that's basically it ... we have a cover band that plays west coast type rock and roll ... and we're going to have someone play the east coast type rock and roll outside ... and along with the music ... will be offering samples as part of the taste off ... little 2oz. samples ... we're going to actually sell beer but we'll also be providing the samples so that the beer drinkers that are there can sample the different types of beer being offered.

When asked by Chairman Beaugard about the request for an all alcohol license although they're just serving beer out there, Mr. Ribeiro stated, I'm required to get an all alcoholic license as an extension to my regular license, and there will be some people who are not beer drinkers who will be purchasing other types of alcohol inside ... and then going into Wings' Court with their friends who will be drinking beer but we'll just be selling beer outside.

When asked by Chairman Beaugard if he was going to be using all of Wing's Court since his application states that he only anticipates about 50 people to attend, Mr. Ribeiro stated that he only planned to use the north end of Wing's Court off of the Purchase St. entrance and where the bands are going to set up, which will block the other half of Wing's Court off.

Chairman Beaugard then asked if he could turn it around so that it would face down towards Centre Street, so that it would not be facing the residents in the Purchase Street area, to which Mr. Ribeiro agreed he would do.

When asked by Chairman Beaugard who would be doing the serving, Mr. Ribeiro stated that his staff would be doing the serving, and that they were all T.I.P.S. Certified.

When asked by Commissioner Craig how did you estimate that there would be 50 people attending the event, Mr. Ribeiro responded, I got to that number based on the number of attendees of last year's Pumpkin Beer Fest, which I held last year in Wing's Court, and this is going to be the same type of promotion... the same type of beer drinker ... that's a projected number ... we may go over if the weather is good or we may go under if the weather is not so good ... I just guesstimated.

When asked by Chairman Beaugard if he had a Police Detail, Mr. Ribeiro responded, not yet but I planned to talk to Officer Paiva this week.

Voted: Commissioner Almeida made a motion to approve the application as presented. - 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 'Whaling City Memorial Day Charity Ride' to be held in **Wing's Court**, and to be held on **Sunday, May 26, 2013 from 1:00 p.m. until 7:00 p.m.**

Note: Special Event Permit Application states that the number of attendees is to be One Hundred (100).

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)

Present: Craig Ribeiro, Applicant

Responding to questions from Chairman Beaugard, Mr. Ribeiro stated, this event is a Charity Motorcycle Run that we're hosting that will go from Ft. Taber ... out into Dartmouth ... then back around ... ending in downtown New Bedford in front of the Pour Farm ... which will raise funds for the Women's Center of New Bedford ... and the Massachusetts Iraqis and Afghanistan Volunteer Fund.

Responding further, Mr. Ribeiro stated that the motorcycles would be parked on Purchase Street and Union Street only ... and there would not be any bikes in Wing's Court ... and we'll also have security stationed at both gates to ensure that no alcohol leaves the Wing's Court area ... as well as having a Police Detail present.

Chairman Beaugard also requested that the area be monitored to ensure that those attending leave the area in a manner that does not cause a disturbance to the area residents, such as revving up motors and screeching tires as they depart, so there wouldn't be any problems, to which Mr. Ribeiro agreed to do.

Voted: Commissioner Almeida made a motion to approve the application as presented. - Unanimous

6. REQUEST, Representation Required

A request from **Pour Farm Tavern & Grille, Craig Ribeiro, Manager** who is seeking to modify the current temporary fence enclosure of the 'sidewalk café' located in Wing's Court to a new design that includes the use of oak wine barrels

and a chain. The wine barrels will be approximately 36” in height and the chain will be approximately 30” in height; with planters situated on the top of the barrels. The location of the seating and its layout of perimeter will remain the same.

Present: Craig Ribeiro, Applicant

There were no questions from the prior to granting the request.

Voted: Commissioner Almeida made a motion to approve the application as presented. - **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 7 - 19** at one time; waive reading; and approve the applications as presented – **Unanimous**

7. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘Opening Reception’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday April 26, 2013 from 5:00 p.m. until 8:00 p.m.**

8. APPLICATION, (No Representation Required)

Sea Streak, LLC, John Silva, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Season Kick-Off Event’ to be held in **The Ferry Terminal** located on **49 State Pier**; and to be held on **Saturday, May 4, 2013 from 1:00 p.m. until 3:00 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured.)

9. APPLICATION, (No Representation Needed)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Benefit/New Bedford Police Union’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, May 5, 2013 from 11:00 a.m. until 11:00 p.m.**

10. APPLICATION, (No Representation Required) – LATE FILE

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 fundraiser to benefit ‘The Key Program, Inc.’ to be held in the **pub parking lot**, located at **818 Kempton Street.**; and to be held on **Friday, May 10, 2013, from 6:00 p.m. until 10:00 p.m.**

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

11. APPLICATION, (No Representation Required)

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 ‘Dinner w/ Cocktail Hour Fundraiser’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Monday, May 13, 2013 from 6:00 p.m. until 7:00 p.m.**

12. APPLICATION, (No Representation Required)

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 ‘Dinner/Lecture’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, May 18, 2013 from 6:00 p.m. until 7:30 p.m.**

13. APPLICATION, (No Representation Needed)

Society of Senhor Da Pedra Club, Inc., George Viveiros, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Clamboil Fundraiser/Senhor Da Pedra Feast’ to be held in the **Club Parking Lot**, located at **81 Tinkham Street**; and to be held on **Saturday, May 18, 2013 from 12:00 p.m. until 5:00 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)

14. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘Annual Meeting’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, May 24, 2013 from 5:00 p.m. until 7:00 p.m.**

15. APPLICATION, Representation Required

Acushnet Veterans Memorial Committee, Tom DeCosta, Chairman, who is requesting approval of an application for

a **Special One Day Wine & Malt Only Beverages License** for a ‘Fundraiser for the Acushnet Veterans Memorial Park’ to be held on the **Madeira Feast Grounds – Pavilion Area Only**, located at **88 Tinkham Street**; and to be held on **Saturday, June 8, 2013, from 6:00 p.m. until 11:45 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)

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

United Way of Greater New Bedford, Victoria Grasela, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Clambake Fundraiser’ to be held on **Pier 3 – Under a Tent**, and to be held on **Friday, June 14, 2013, from 5:00 p.m. until 11:00 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)

17. APPLICATION, (No Representation Needed)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Benefit/American Cancer Society’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Saturday, July 27, 2013 from 11:00 a.m. until 11:00 p.m.**

18. APPLICATION, (No Representation Needed)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Benefit/Station Night Club Fire’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Saturday, August 24, 2013 from 11:00 a.m. until 11:00 p.m.**

19. APPLICATION, (No Representation Needed)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Benefit/American Cancer Society’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, August 25, 2013 from 11:00 a.m. until 11:00 p.m.**

20. APPLICATION,

Shaun P. Cyr, who resides at 99 Heritage Drive, Portsmouth, R.I., is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License for Tony’s Service & Sales**, with premises situated at **832 Rockdale Avenue**.

Note: Site was previously licensed to **Eastern Auto Sales & Service, Inc. (Elite Auto Sales, LLC d/b/a)**, who did not renew their license for 2013; this location was previously approved for the display of **Eighteen (18) cars** by the **Office of Inspectional Services**.

Approval of the Motor Vehicle Class II License will require a ‘**Change of Tenant**’ from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, a **Notarized Letter** stating where repairs will be done, and a **Business Certificate** from the **Office of the City Clerk**.

Present: No One Appeared As Required

Mr. Nanopoulos informed the Board that he sent Mr. Cyr written notice that a routine criminal background check revealed several Cori issues, which at the present time, would likely disqualify him from the Class 2 license. The letter also offered him an opportunity to withdraw his application before it is officially ruled upon or provide the Board with any mitigating circumstances that he believed the board should consider.

Mr. Nanopoulos added, Mr. Cyr contacted me to discuss the matter upon receipt of the notice but there’s been no further communication from the applicant since that phone conversation; therefore, based on his failure to comply with terms of the notice and the current Cori information that is before you, it would be my recommendation that you disapprove the pending application for a Motor Vehicle Class II License (Used Car Dealer) for Tony’s Service & Sales located at 832 Rockdale Avenue; the applicant would retain the right to submit a new application once these outstanding criminal issues have been resolved.

Voted: Based on the current Cori information that was before the Board, Commissioner Almeida made a motion to disapprove the application as presented. - **Unanimous**

21. Meeting: Dia De Portugal Committee, Armando Pereira, President

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and**

enforcement of Licensing Board & ABCC Rules & Regulations concerning the ‘Day of Portugal’ weekend, the meeting will include Chief Provencher and Lt. Sylvia, Liaison to the Dia De Portugal Committee.

Also, as agreed to last year, we respectfully request you submit a ‘Security Plan’, along with a ‘Vendor Map’ to this office **by April 19, 2013**, which would address the following issues:

- Alcohol Service - # of Drinks/Cups
- I.D. Checks and the Issuance of Wristbands
- Flow and Control of Alcohol
- # Of Police Officers
- Hours of Operation - Starting Times/Closing Times/Last Call/etc.

With an eye to this year’s event, this Board is looking forward to working with you and your committee, and we would hope you would continue the improvements that have been implemented over the past few years, and that you explore ways to improve on that plan, with regard to I. D. check’s; and to address the issue of how the I.D. bracelets are issued. We fully anticipate that this year’s committee will work with us to help ensure that the ‘Day of Portugal’ event, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Portuguese heritage, remains a safe and enjoyable event for all.

As the committee has done in the past, it would be greatly appreciated if you would supply this office with a list of those that will be participating in this year’s event ASAP, which should include the organization/ or business name, contact name, and phone #, so that this office can make sure that everyone applies in a timely manner.

The requirements will be the same as last year, which included that everyone will be required to apply for an **All-Alcoholic license for each of the days (3) for a total fee of \$450.00 (payment due w/application by May 10th)**; also, so that there is uniformity among all participants, each license will be issued with the same hours and restrictions as follows:

- FRIDAY, JUNE 7th – 5:00 P.M. UNTIL 11:45 p.m.
- SATURDAY, JUNE 8th – 12:00 P.M. UNTIL 11:45 p.m.
- SUNDAY, JUNE 9th – 12:00 P.M. UNTIL 10:00 p.m.

NOTE: Only holders of Special One Day Licenses are allowed to serve alcohol in plastic cups from either booths set up along Acushnet Avenue or from inside the licensed premises, *which must be consumed within the confined area of the festival* – Steven A. Beaugard, Chairman – N.B. Licensing Board.

NO BOTTLES OR DRINK GLASSES ARE ALLOWED ONTO THE STREET; ALL DRINKS ON THE STREET MUST BE IN PLASTIC CUPS

Present: Armando Pereira, President, along with Veronica Medeiros, Vice-President and Carlos Colangelo, Volunteer; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Lt. Scott Sylvia, Detail Officer for Special Events; David Alves, Councilor at Large and Councilor Lopes, Ward 6, who both spoke in support of the event.

Responding to questions from Chairman Beaugard, Mr. Pereira responded, there are no new proposed changes relative to this year’s event ... everything is still the same ... same hours ... and area (venue) being used is still the same ... we’re not looking to change anything ... and all the security measures and procedures that are in place will remain and be implemented ... and we’re still in the process of finalizing who will be participating in this year’s event.

Chairman Beaugard then recognized Lt. Sylvia for his input, who stated, I’ll give you an update from last year ... out of three nights ... we had 6 arrests ... none of them were alcohol related ... and 2 PC’s.

When asked by Chairman Beaugard if there would be any consideration or changes in light of what occurred in Boston, Lt. Sylvia responded, in light of what happened in Boston ... I would recommend that we have a sweep every night ... and I will be recommending that to the Chief.

In response, Mr. Colangelo stated, I think when we sit down with the Police Department ... it would be beneficial for all of us to come up with some kind of plan ... which should include no backpacks ... and maybe we can get an Officer with a dog for the night on our detail just walking around ... just to have a presence on site ... I think that’s something we can take up when we sit down with Lt. Sylvia ... and come up with a little bit better security plan in light of what happened in Boston.

Mr. Nanopoulos reminded Mr. Pereira that the final day to file applications for liquor licenses was May 10th this year, and requested that a list of those that would be applying for a liquor license be submitted as soon as possible, so that he could follow up if need be so no one would be missed; and that he had already received one application already, which was for Coco Bongos.

Chairman Beaugard then recognized Councilor Alves and Councilor Lopes, who both voiced their support of the event and to ask the Board for their acceptance of their application for this year’s event.

Action Taken: The Board accepted the Committee’s security plan, and approved this year’s event.

22. Hearing: Jalice Café, Inc.

Derick Pina Goncalves, Manager
1468 Acushnet Avenue

Your presence and that of **Maria Sequeira, Co-Owner**, is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules & Regulations, as reported by the City of New Bedford Police Department; the Board will also review the ongoing calls to service to this location as a result of late night disturbances, which in some cases were a result of promoted events being held on the premises, 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; and if warranted, a roll back of hours may be considered. They are as follows:

Violations: 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 Regulation Nos. 11 & 12-

Excessive Noise, Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

New Bedford Code of Ordinances, Section 15-96-

Exclusion of minors from liquor establishments during entertainment. No person under the age of twenty – one (21) provided in M.G. L. shall be present or go upon premises licensed for the sale of alcoholic beverages, if the premises are, or should be, licensed for entertainment, while entertainment is being offered thereon.

Summary of Incident Report

Police Department Incident Report states that multiple units were dispatched to the 7/11 convenience store located at 1499 Acushnet Avenue, which is located across the street from the Jalice Café. The complainant, the store clerk, reported that a hundred people were in the store displaying “flash mob” mentality, grabbing items and walking out of the store. Upon arrival, the officers observed a number of people running from the store holding retail items.

The officers stated in their report that they were outnumbered by disturbers by at least a 10-1 ratio. Additional units were requested for crowd control and the Prisoner Transport Vehicle was requested for those parties already taken into custody. Once the area was contained and order restored, the officers then spoke to several individuals within the group who indicated that they had been “bussed in from UMass Dartmouth for a college party”, which was taking place at the Jalice Café; and that arrangements were made for transportation (a school bus) to meet and pick up the crowd at the corner of Tallman Street and Acushnet Avenue, and transport them back to UMass Dartmouth.

Officers then began collecting identifications from those present, which revealed that the vast majority of the individuals were under the age of twenty-one years old. A total of five individuals were taken into custody as part of this incident, which was promoted through a flyer that was handed out at UMass.

Officers then proceeded to Jalice Café to interview a responsible party there regarding this event, where they spoke to three individuals who all stated that they were the promoters of the outing and arranged bussing for the people who attended the party.

The officers then spoke to Maria Sequeira, who is one of the owners of Jalice Café, who stated, when informed by the officers that there were underage people in her establishment, that she was aware of the underage people and that she had handed out bracelets to the people over 21 years old.

Upon speaking to the bus driver, the officers were told by the driver that he worked for Eco Ride Transportation, and that he did not know who hired the bus for the night, and that he was hired to make trips back and forth from UMass to Jalice Café for the night.

Date and time of alleged violations: Friday, March 15, 2013 @ approximately 1:24 a.m. Police Reports # 13-2724-OF

Present: Atty. Donna Sowa, along with Maria Sequeira, Co-Owner, Roger DaRosa, Doorman/Interpreter for Ms. Sequeira, and Nick Barbosa, DJ (Promoter of Event); Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Officer Steven Wadman, Reporting Officer

Upon being asked by Mr. Nanopoulos if her client 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’, Atty. Sowa, speaking on behalf of her client, stated that she did. When asked by Mr. Nanopoulos if they wanted him to read the written incident summary contained in the ‘Hearing Notice’, Atty. Sowa stated that would not be necessary, since it was included in his hearing notice that was sent to him, therefore, he waived the reading of the summary.

Chairman Beauregard informed the licensee that the Officer was present to read, summarize, or give testimony to what was contained in their reports; and at the conclusion of his testimony, the Board would then ask any questions they may

have, and then she would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Atty. Sowa responded by asking if the Board had read the report, to which Chairman Beauregard responded that they had, and that they had a copy in front of them; to which Atty. Sowa responded, if the Board has read the Police Report then I don't have a need for the Officer to read his report, since I'm aware of the content of the Police Report and the Board is aware of the contents, so I would waive the reading of the report but I do have questions for the Reporting Officer.

Atty. Sowa opened the hearing by questioning Officer Wadman a series of questions with regard to the reported incident of March 15th, as documented in his written report.

When asked, on what date and day were you called to Jalice Café, Officer Wadman responded that it was early Friday morning on March 18th.

When asked, was Lt. Robert Richards on the scene that night, Officer Wadman responded that he was across the street at the disturbance at the 7-11 Convenience Store.

When asked, was it the incident at the 7-11 Convenience Store that initially brought you out to the area of where Jalice Café is located because there was a call of a disturbance across the street concerning several people at that location, Officer Wadman responded that was correct.

When asked, why does Lt. Richard's report have a date of March 15th and your report has a date of March 18th, do you know what date is correct, Officer Wadman responded, I would have to say that Lt. Richards did the initial report and I did a supplemental report after the fact on a different day.

When asked, his report also indicates that the initial time of the call was 1:24 a.m. ... is that correct, Officer Wadman responded, that's correct.

When asked, once you arrived, what were your observations at that time, Officer Wadman responded, I observed a large crowd of people in the street ... in the parking lot ... congregating on the sidewalk in front of Jalice Café and the 7-11 Convenience Store ... at the time I arrived ... other Officers including Lt. Richards were attempting to disperse the crowd and placing some of the people under arrest.

When asked, so the people who were placed under arrest ... would it be fair to say were charged with disturbing the peace and disorderly conduct ... is that correct, Officer Wadman responded, I believe that's what Lt. Roberts charged them with.

When asked, you indicated that there was a large crowd in front of Jalice Café and the 7-11, do you have any idea of how many individuals were in front of Jalice on that side of the street, Officer Wadman responded, if I had to guess, I would say about 30.

When asked, and across the street at the 7-11, Officer Wadman responded, about 50.

When asked, did you also observe a school bus in that area, Officer Wadman responded, not at that time.

When asked, but at some point in time you did observe a school bus, Officer Wadman responded, that's correct.

When asked, what time did you receive on scene, Officer Wadman responded, I don't know the exact time ... probably 2 or 3 minutes after Lt. Richards arrived (approx. 1:24 a.m.).

When asked, shortly after you arrived, did the school bus arrive, Officer Wadman responded, no, it didn't arrive for a long period of time, but I don't know the exact time it arrived.

When asked, did you speak to any of the individuals that evening, Officer Wadman responded, I spoke to 7 individuals.

When asked, in your report, you stated that you made the observations that several of the individuals were underage, Officer Wadman responded, that's correct.

When asked, in your report, you stated that you spoke to a young lady whose first name was Samiah, who stated that she was waiting for a bus to bring her back to school, Officer Wadman responded, that's correct.

When asked, she also indicated to you that the reason that she didn't leave is that she needed the bus to get back to UMass, Officer Wadman responded, that's correct.

When asked, she then indicated to you that she was in Jalice Café that night is that true, Officer Wadman responded to the question by reading the following excerpt from his report, "she stated that she came to learn about the party from a flyer that was handed out at UMass.

When asked, but she didn't say she had been in Jalice Café ... she may have learned of the party from a flyer ... but she didn't indicate that she was in the bar ... you assume that to be correct, Officer Wadman responded, that's correct.

When asked, that's the only individual at least what you report indicates that you spoke with ... is that correct, Officer Wadman responded, no ... I spoke with Nicholas Barbosa ... I spoke with Charlene Fontes and Irene Pina who were all inside the bar.

When asked, do you recognize the gentleman to my far left, Officer Wadman responded, I do, it's one of the persons (Nicholas Barbosa, who stated that he promoted the event) that I spoke to that evening.

When asked, and he indicated to you that he had arranged for the party that evening and that he arranged for busing to and from the party, is that correct, Officer Wadman responded, that's correct, he stated that all three had promoted the event.

When asked, where were the three individuals located when you entered the bar, Officer Wadman responded, they were

probably about 10 ft. inside the doorway when I entered the bar.

When asked, would it be fair to say that they could have been the door people for that evening, Officer Wadman responded, I wouldn't say that.

When asked, but they indicated that they were the promoters, is that correct, Officer Wadman responded, that's correct.

When asked, did you ask any of them any questions, Officer Wadman responded, I just spoke to them and they stated that they were the promoters for the event that night.

When asked, did you check the I.D.'s of those three individuals, Officer Wadman responded, I did, and they were all of age.

When asked, you then spoke to Maria Sequeira, the women seated to my immediate left, Officer Wadman responded, that's correct.

When asked, you know who she was when you spoke to her, you knew she had something to do with the bar, Officer Wadman responded, that's correct.

When asked, do you know who the manager of the bar is, Officer Wadman responded, no, I don't.

When asked, did you ask Ms. Sequeira if she was the manager of the bar, Officer Wadman responded, no I did not.

When asked, did you ask to speak to the manager of the bar, Officer Wadman responded, no, because I believed that she was the owner of the property (bar) from past experiences with her.

When asked, how many individuals were in the bar at that point in time when you entered it, Officer Wadman responded, I would have to estimate about '20'.

When asked, did you check the I.D.'s of any of those individual that were still in the bar, Officer Wadman responded, not at that time because I was speaking to Ms. Sequeira.

When asked, before you started to speak with Ms. Sequeira, did you go over and ask any of those 20 individuals for their I.D.'s, Officer Wadman responded, no I did not.

When asked, and after speaking to Ms. Sequeira, did you go ask any of those 20 individuals for their I.D.'s, Officer Wadman responded, no I did not.

When asked, when you spoke to Ms. Sequeira, you used the words, you informed her that there are underage people in her establishment, is that correct, Officer Wadman responded, that's what I said.

When asked, based on what, there was no one underage that you knew of in that establishment at that point of time, is that correct, Officer Wadman responded, not that I know of.

When asked, so what did you base your statement that there were underage people in your establishment on, Officer Wadman responded, on my observations of the people that were leaving and of those across the street who were being detained for being underage.

When asked, how many of the people leaving did you check, I.D.'s of, Officer Wadman responded, I didn't get a chance to check anyone's I.D.

When asked, so the only I.D. you checked was that of Ms. Johnson, Officer Wadman responded, and those of the three promoters inside the bar.

When asked, did you make any observations of patrons that you believed that had been in Jalice Café, did you make any observations as to bracelets, Officer Wadman responded, I did not.

When asked, did you make any observations as to whether or not the gentleman to my far left, Nicholas Barbosa, had any sort of a bracelet on, Officer Wadman responded, I did not.

When asked, so the first time you heard anything of bracelets was when you spoke with Ms. Sequeira is that correct, Officer Wadman responded, that's correct.

When asked, and she indicated to you according to the report that she was aware of the underage people, and that they handed out bracelets to the people over '21', is that correct, Officer Wadman responded, that's correct.

When asked, and that you know that persons under 21 years old cannot be in a bar when there's entertainment being offered, is that correct, Officer Wadman responded, that's correct.

When asked, was there any entertainment that you observed that night in the bar, Officer Wadman responded, they had music on.

When asked, what kind of music ... from a radio, Officer Wadman responded, I don't know.

When asked, did you see any live entertainment, Officer Wadman responded, not that I can recall.

When asked, did you see a DJ of any kind, Officer Wadman responded, there was a DJ.

When asked, was he spinning records at the time that you were there, Officer Wadman responded, he was actually packing up his equipment and bring it out.

When asked, about how long were you in there, Officer Wadman responded, about 10-15 minutes.

When asked, during the time that you were in there, did you observe any drinks being handed out to any individuals, Officer Wadman responded, no I did not.

When asked, after you left the establishment after your 10-15 minutes in the bar, you spoke with the bus driver ... right,

Officer Wadman responded, that's correct.

When asked, and he indicated to you that he had been hired to make trips back and forth from UMass-Dartmouth to Jalice Café for that night, is that correct, Officer Wadman responded, that's correct.

When asked, do you know whether or not any of these individuals that are listed on the front of the report whose ages range from 18-21 years old, were those people charged with anything, Officer Wadman responded, those were the individuals that were placed under arrest.

When asked, and they were all charged with disorderly conduct and disturbing the peace, Officer Wadman responded, that's correct.

When asked, was Ms. Johnson one of those people listed, Officer Wadman responded, yes she was, she's the 2nd one listed as the 20 year old female from Framingham.

When asked, and she indicated that she was waiting for the bus, Officer Wadman responded, that's correct.

When asked, how about the other four individuals, Officer Wadman responded, I don't know ... I didn't speak to them.

When asked, so you don't know if they were there in their own vehicles or there by virtue of the bus, Officer Wadman responded, that's correct.

Atty. Sowa stated that she didn't have any further questions for Officer Wadman at this time.

Atty. Sowa stated that she had two other witnesses present whose testimony she wanted to enter into the record.

Atty. Sowa next called upon Nicholas Barbosa to testify, who according to the Police Report, stated to the Officer that he was one of the promoters for the event.

When asked, how old are you, Mr. Barbosa responded, I'm 21.

When asked, are you related to the manager of the bar (Derick Goncalves), Mr. Barbosa responded, yes, he's my uncle

When asked, and you attend UMass at Dartmouth ... is that correct, Mr. Barbosa responded, that's correct.

When asked, and it's my understanding that you approach your uncle about having a party at Jalice Café, Mr. Barbosa responded, that's correct.

When asked, so you somewhat promoted it ... in that you advertised it on Facebook ... and you arranged for the bus, Mr. Barbosa responded, that's correct.

When asked, what time did the party begin, Mr. Barbosa responded, the buses left around 9 p.m., so, we probably got there about 9:15 p.m.

When asked, so once at the bar, did you play a role in checking I.D.'s, Mr. Barbosa responded, yes.

When asked, was there someone else that assisted you in checking I.D.'s Mr. Barbosa responded, yes, the guy (Roger DaRosa) at the right of me was.

When asked, does Roger go to UMass-Dartmouth, Mr. Barbosa responded, no.

When asked, so how was the checking of the I.D.'s accomplished on that particular evening, Mr. Barbosa responded, basically, people would come in and we would check the I.D. ... and if they were over 21 ... we would put a bracelet on them.

When asked, so who checked the I.D.'s, Mr. Barbosa responded he did (Roger).

When asked, if they were 21 or over, what happened, Mr. Barbosa responded, we would put a bracelet on them.

When asked, so is this similar to a hospital bracelet ... it's plastic and you tighten it around the person's wrist, Mr. Barbosa responded, correct.

When asked, and what color was it, Mr. Barbosa responded, green.

When asked, so once that bracelet was placed on ... was there any way to slip out of it, Mr. Barbosa responded, no, the only way to get it off was to cut it.

When asked, were there people under 21 that attempted to get into Jalice that night, Mr. Barbosa responded, yes, but we kicked them out.

When asked, so they were not allowed to stay in, Mr. Barbosa responded, no.

When asked, so if you only had people that were 21 and over in the bar, then what was the purpose of handing out bracelets, Mr. Barbosa responded, so that the bartender wouldn't have to check I.D.'s ... to save time.

When asked, how many under 21 people did you turn away that night ... do you have any idea, Mr. Barbosa responded, several but I don't have a number.

When asked, do you know what time the doors were locked (closed) so to speak at the end of the night, Mr. Barbosa responded, no one was admitted after 12:00 a.m.

When asked, was this party limited to college people, Mr. Barbosa responded, it was a public event.

When asked, so you closed the doors at midnight ... and you let no one else in after that ... so, what time did the party end, Mr. Barbosa responded, the party ended around 1 a.m.

When asked, and then these people left the bar and there were still some people in the bar ... did you make any observations as to what happened to these individuals after they left the bar, Mr. Barbosa responded, no.

Atty. Sowa stated that she didn't have any further questions for Nicholas Barbosa at this time.

Atty. Sowa next called upon Roger DaRosa, who was one of the doormen, that evening, as well being present to act as an interpreter for Ms. Sequeira.

Responding to questions from Atty. Sowa, Mr. DaRosa stated, I was in charge of checking I.D.'s at the door that evening and I'm 40 years old; and I've been working at Jalice Café on and off for about two years ... not every week but I'm there frequently.

When asked, were you present on this particular evening of March 15th, Mr. DaRosa responded, yes I was.

When asked, you were doing what at Jalice Café that night, Mr. DaRosa responded, I was checking I.D.'s ... and once I checked the I.D. ... I would give Nick the okay to put the bracelet on.

When asked, about how many people were in attendance that night that were allowed entry into Jalice, Mr. DaRosa responded, I would say roughly around 80-85.

When asked, did any incidents occur in the bar that night, Mr. DaRosa responded, no there were none.

When asked, and after the bar closed ... the doors were closed until you left to go home ... were you aware of any incidents that were going on outside, Mr. DaRosa responded, no I was not.

When asked, so your attention was not called to any incidents going on outside until Officer Wadman arrived, Mr. DaRosa responded, by the time the Officer came, I had left the premises because I live in Boston and I had to drive back.

When asked, so at the point in time that you left the premises, did you make any observations of anything going on outside, Mr. DaRosa responded, I saw the kids around but I knew they were waiting for the bus, so I didn't think there was any problem with that.

When asked, do you know what time the bus was scheduled to come back and pick up the kids, Mr. DaRosa responded, from what I understand, they were going to come once the party was done, which would have been around 1:00 a.m.

Atty. Sowa stated that she didn't have any further questions for Mr. DaRosa at this time; and added that Mr. DaRosa has agreed to act as interpreter for Ms. Sequeira, and hopefully the Board will allow it; and that she did run it by the City Solicitor's Office prior to the meeting.

Atty. Sowa explained the request by stating; I want to ask Ms. Sequeira a couple of questions ... Maria's primary language is Creole ... although she proudly likes to think that she can speak English well enough to answer questions ... through my several encounters with her, I've come to know that's not in fact the case ... so Roger (DaRosa) has agreed to interpret for her ... and Atty. Shannon Shreve, from the City Solicitor's Office, stated that would be okay ... so through Mr. DaRosa, I would like to ask Ms. Sequeira some questions.

When asked to identify herself for the Board, Ms. Sequeira stated that her name was Maria Sequeira.

When asked, in the night in question, do you recall the Police Officer entering the premises and telling you that there were underage people ... telling you! ... That there were underage people in your bar, Ms. Sequeira responded, she explained that ... when he said that word (underage) ... she didn't know what the word underage meant until recently, when her lawyer explained it to her ... and she swears to God that she didn't know what underage meant.

When asked, did you understand that people under the age of '21' were not allowed in the bar, especially if you had entertainment, Ms. Sequeira responded, I know I never tried to let underage people in ... that's why I hired security and some people to check I.D.'s ... so that I wouldn't have that problem of having people underage ... 21 and under.

When asked, did she just use that word 'underage' with you or did she use something else, Mr. DaRosa responded, she said 21 and under ... she said, "under 21".

Atty. Sowa stated that she didn't have any further questions for Ms. Sequeira at this time.

Chairman Beauregard stated that he had a couple of questions relative to the testimony that was presented.

Chairman Beauregard opened up the questioning by the Board, by asking Mr. Barbosa if he's the DJ associated with YP Entertainment, Mr. Barbosa stated it was not him and that he's not related to him.

Chairman Beauregard then asked Atty. Sowa if she was familiar with some of the placards that are posted around town, to which Atty. Sowa responded, no I'm not actually.

Chairman Beauregard showed Atty. Sowa a couple of placards of events held by Jalice Café, which were promoted events.

Chairman Beauregard then asked Mr. Barbosa, was a poster similar to this one (as shown to Atty. Sowa) made up at the university, to which Mr. Barbosa responded, not like that ... it was something different ... it was more like a flyer ... I made an event date on Facebook (a copy was later found on Facebook - see attached).

Atty. Sowa responded to Chairman Beauregard's question to Mr. Barbosa by asking Mr. Barbosa, was the flyer something that was folded up or was it something that was posted on a hard paper like that (placard), Mr. Barbosa responded, it was on a hard cover paper like that.

Atty. Sowa then asked Mr. Barbosa, but you didn't have any pictures of champagne and women with their breasts hanging out on that flyer did you, to which Mr. Barbosa responded, no, there was not.

When asked by Atty. Sowa, if the placards that were shown to her by Chairman Beauregard were for her client's establishment, she was informed by Chairman Beauregard that they were.

Chairman Beauregard then directed his questions to Ms. Sequeira, who answered through Mr. DaRosa. When asked who the DJ was that evening and if he was a promoter or if he was an employee of Jalice Café, Ms. Sequeira stated it was DJ Mistah BigTunez ... and that she had never seen him before that day.

Chairman Beauregard then observed Mr. (Derrick) Goncalves, who's the manager of record for Jalice Café, and stated, when Mr. Goncalves came before us when we granted the license to the establishment back in 2008 ... he stated to this Board (reading from the 'Minutes' of that meeting of 11/24/08) ... that he indicated that he planned to use the function room for dining and functions such as weddings, showers, and to hold some events offering Cape Verdean music; Mr. Pina also stated that he would be bringing in some bands for certain events but it would be run as a restaurant, not a night club. Based on those statements by Mr. Goncalves, Chairman Beauregard asked a series of questions of Mr. Barbosa regarding the event on 03/15/13.

When asked, what time did the event start, Mr. Barbosa responded, it started at 9 o'clock.

When asked, was the restaurant closed at the time ... were you the first ones to show up on site or was the restaurant open, Mr. Barbosa responded, we were the first ones there.

When asked, so there was no food being served ... so the restaurant was not open, Mr. Barbosa responded, the restaurant was not open.

Based on Mr. Barbosa's response to his questions, Chairman Beauregard asked Atty. Sowa; I'll ask you Counsel, maybe you can inform this Board, whether we have turned this establishment from a restaurant into a nightclub?

Atty. Sowa responded, I would say ... in fairness ... it's not something that I've discussed with my client because it's just being presented to me now ... as I indicated before ... this is the first time that I've seen these flyers ... I think Mr. Goncalves is attempting to do ... in some respects ... those things that he finds that he can make money off of ... I was just speaking with him about food ... whether or not he was still offering food ... he indicated to me that he was going to start serving food once again in two weeks.

Chairman Beauregard responded, I think that some of these flyers that you see here is probably why Officer Wadman is so familiar with the establishment ... and if you take a look at the calls to service and to what is taking place over there ... we're seeing another example where it's indicative that we're having problems over there.

Chairman Beauregard then asked Mr. DaRosa; you stated that when you left to go back to Boston, there were kids outside waiting for the bus, Mr. DaRosa responded, I said kids because they're younger than me.

Chairman Beauregard then asked Mr. DaRosa; were those kids that were turned away for being underage from your establishment, Mr. DaRosa responded, those were people who left the establishment because we closed at 1a.m.... and that's when I left ... after 1 a.m. ... so some of them were out there waiting for the bus.

Chairman Beauregard then asked, then how did those kids that were under 21 get on that bus, if it was an 'under 21' event, Mr. Barbosa responded, I told everyone that it was a 21+ event but it was \$3.00 to get on the bus but they couldn't get into the event if they weren't 21 years of age.

Chairman Beauregard responded, so they just came into New Bedford to hang around Acushnet Avenue, is that what you're saying, Mr. Barbosa responded, I don't know why they did that.

Atty. Sowa also responded to the question, if I can answer that question ... in all due fairness ... there are 5 bars down in that area ... ok ... so it doesn't mean that some of them that got on that bus ... who then tried to enter Jalice Café and were turned away ... that they couldn't have gone to any of the other 4 bars ... it's cheap transportation at \$3.00 ... for a bus ride from UMass to New Bedford ... I specifically asked Officer Wadman about that ... and the only person that he knew was under the age of 21 that was waiting for that bus ... was Ms. Johnson ... he doesn't in fact know if any of these other individuals were in fact waiting for that bus ... there was testimony that this was a public event ... it was not closed just for UMass students ... okay ... so the only testimony presented to the Board was that ... there was only one woman who indicated that she was waiting for the bus back to UMass ... the other people ... we don't know how they got there and we don't know how they intended to get home ... all we know is that they were charged with disorderly conduct and disturbing the peace ... and they were under the age of 21 ... but we don't know how they got there.

Chairman Beauregard then recognized Officer Wadman who responded to Atty. Sowa's comments by stating, Lt. Richard, while we were waiting for the bus at Empire Loan down the street ... there were probably 15 Officers taking names of the people ... whose names we forwarded to UMass because they're subject to disciplinary action for disturbances caused within the city ... so we know there were underage students from UMass waiting for the bus back to UMass.

Atty. Sowa responded, with all due respect, we don't have Lt. Richards here ... so, for Officer Wadman to make the statement that they were under 21 and they were waiting to get on that bus ... I don't have the names of anyone ... I don't have the ages of anyone ... that's just a statement being made that there were several individuals waiting to get on a bus who were under the age of 21 ... there were several people in the 7-11 Store, but we're not certain they came from Jalice Café ... and we know that the individuals that were spoken with said that they were bussed from UMass ... and at least some of them ... for a college party ... I don't know if any of those individuals were under the age of 21 ... and I don't have anyone here that can collaborate what that Officer did regarding those people that were under the age of 21 ...

if you wanted Lt. Richards here ... you should've had Lt. Richards here.

Chairman Beauregard then recognized Capt. Vincent, who asked, if only people over the age of 21 were allowed in the establishment then what would necessitate the use of a wristband; to which Atty. Sowa responded, that was asked and answered earlier, so the bartender would know that he would not have to check that person's I.D. ... so he doesn't have to waste his time doing that ... the I.D. has already been checked ... they have a wristband ... they're good to be served ... that's why!!

When asked by Capt. Vicente if that was a regular practice, Atty. Sowa responded, it was the practice that night ... I don't know if it's a regular practice ... but for this type of a party ... a college party ... I can see why they would have done that on this night ... because it's a 'college party' ... because you're going to run into people under the age of 21 trying to get in.

Capt. Vicente responded, you have a doorman who says, show me your I.D. ... if you have an I.D. and you're 21 or over ... you're allowed in ... but if you don't have an I.D. or you're not 21 ... you're not allowed in ... I don't understand what would necessitate the need at that point to give someone a wristband ... because he's already been allowed in because he's of age.

Atty. Sowa responded, a person could possibly get into the building through another doorway or somehow or another slipped by these individuals ... this is a double check to show that it's already been taken care for the bartender ... don't take the time to ask for an I.D. ... we've checked them ... they weren't even going to get in the door ... and I think that practice was done because there were problems in the past.

When asked by Commissioner Almeida, if the underage individuals listed in the Police Report were in the establishment, Officer Wadman responded, those are the people that were being detained by Lt. Richards when I arrived.

When asked by Commissioner Almeida, if they were being detained in front of Jalice Café, Officer Wadman responded, some were in front of Jalice ... so were in the street ... some were at the 7-11 parking lot.

When asked by Commissioner Almeida, if they were in Jalice Café, Officer Wadman responded, not that I'm aware of ... I arrived after Lt. Richard.

Atty. Sowa then asked rhetorically, since there were only about 20 people inside the establishment when you got there, so why didn't you check any one's I.D. inside of the bar instead of those outside.

When asked by Chairman Beauregard, what Ms. Sequeira's role was in the business, Atty. Sowa responded that she was married to Mr. Goncalves but they are now divorced but so that's how her involvement came about with Jalice Café.

When asked by Chairman Beauregard why the manager (Derick Goncalves), who was seated in the back of the room, was not seated at the table, Atty. Sowa responded, although he was there but he was downstairs, and he was not questioned by the police; and I asked him not to sit at the table ... I asked him to sit behind ... I have a horrible time trying to understand him ... so I just made a decision as an Attorney that he could sit back there ... and if we needed him, we could ask him to step forward.

When asked by Commissioner Almeida, when you spoke to Ms. Sequeira, did she understand you, Officer Wadman responded, yes she did.

When asked by Chairman Beauregard if Ms. Sequeira is acting as the manager, Atty. Sowa responded, no.

When asked by Commissioner Craig, when you spoke to Ms. Sequeira, did you speak to her in English and did she respond in English, Officer Wadman stated that he did.

When asked by Commissioner Craig, when you spoke to Ms. Sequeira, did she have an accent, Officer Wadman stated that she had a small one; When asked by Commissioner Craig, when you spoke to Ms. Sequeira, did you have any problem understanding exactly what she said to you, Officer Wadman responded, no, and I've spoken to her in the past on other issues, and I had no problem communicating with her.

Chairman Beauregard stated that he was very concerned that Ms. Sequeira ... who's walking around the establishment making sure everything is okay ... and is someone who's involved in some part of this establishment ... doesn't understand what the term 'underage' means.

Attorney Sowa responded, she understands 'under 21' ... she doesn't understand 'underage' ... that was the first time she ever heard that expression 'underage' ... and when we spoke in my office ... she did not understand 'underage' ... when I showed her the synopsis of the incident contained in the hearing notice ... she said ... I didn't say that ... that's not what I intended to convey.

When asked by Chairman Beauregard as to how long she's been in this country, Ms. Sequeira stated through Mr. DaRosa, 23 years; and adding, that this language is her second language and that this business has been very stressful for her and Derick, and sometimes when the police come, she kind of panics.

Commissioner Craig then asked, how many people were turned away at that door, Mr. DaRosa stated, more than 10.

Chairman Beauregard then reviewed the material that was pulled off a promoter's Facebook page, including a video of a patron at Jalice Café drinking out of a vodka bottle, and then stated, I'm asking the question because I'm just trying to get a handle on who's in charge here and what's going on in there; and added, when I look at the incident reports and the

number of calls to service to this establishment ... and listening to the testimony that Ms. Sequeira was there that evening as a floor person ... you have a UMass crowd there ... so you have to be aware that you're going to have a different type of crowd ... you're going to have underage attempting to get in ... and he (Mr. Goncalves) wasn't upstairs all evening ... I'm just trying to get a feel from you or from Mr. Goncalves as to what's going on and who's running the establishment. Atty. Sowa responded, there are a couple of things that concern me here, we're here tonight on what's contained in the notice regarding incidents that occurred on March 15th ... not on incidents that occurred on March 9th ... and to try to turn this into an inquisition as to what's going on during these other events ... I don't think that's fair ... I haven't had an opportunity to review that information with my clients to provide adequate representation for my clients ... I stated that Mr. Goncalves was downstairs in the point of time when the police officer came in ... and as a matter of fact ... Mr. Goncalves ... the manager ... indicated to me that in the future ... when the police come in ... he would like the police to ask to speak to the manager ... Derick Goncalves ... and not speak with Maria Sequeira ... I didn't mean to insinuate that Mr. Goncalves was downstairs all evening ... he was downstairs at the time that Officer Wadman came into the bar that night ... he certainly was the man in charge.

Chairman Beauregard responded I'm just concerned that at the time of closing ... when the incident was taking place outside ... he's down in the basement.

Atty. Sowa responded, that they stopped letting people in at midnight ... there were only 20 people or so left in the bar ... there had not been any incidents of people fighting ... arguing ... I asked that question ... did all things run smoothly?

Chairman Beauregard then asked, so just for the record, you don't have any problem with me introducing into the evidence what he informed this Board of as to what type of establishment he was going to run ... versus ... what type of establishment is being run now ... so we're clear for the record ... so you don't have a problem of that being introduced.

Atty. Sowa responded, he already did that ... let me ask you this question ... is it a violation of this Board or the ABCC rules ... if someone starts an establishment five years ago where he intended to make it primarily a restaurant ... and you try that restaurant business for a period of time ... and that doesn't seem to be working and you're not making any money ... and you're not covering your bills ... and you can't afford to do it any more ... the food you're buying is going bad ... and it gets to the point that you have to go out and buy food to serve the customer who's in there ordering something off of the menu ... is it against the rules to switch your business up ... and say okay now we're going to try to gear it into something else ... so I can try and get money so I can pay my bills.

Chairman Beauregard responded, it is, if you're change the 'MO' of the operation ... if you were going from a Chinese Restaurant to an American Restaurant ... considering the same type of venue ... that's not a problem ... but if you're going from a restaurant to clearly some form of a nightclub ... that's a problem ... Mr. Barbosa stated earlier that they were the first parties in the room ... and you said earlier that he was going back to operating the kitchen in the next couple of weeks ... this is not what this Board approved over there.

When asked by Commissioner Craig, when you went into the Café and spoke with Ms. Sequeira, why did you speak to her? Officer Wadman responded, in past dealings with the establishment ... I was under the impression that she was the manager or part owner of the business ... so when I saw her that night ... I approached her and spoke to her.

Atty. Sowa responding to Officer Wadman's comments, Atty. Sowa asked, did you ever ask her if she was the manager, to which Officer Wadman responded, not that night; did you ever say I would like to speak to the manager in charge, to which Officer Wadman responded, not that I can recall.

Chairman Beauregard then allowed Atty. Sowa to give a brief summation in defense of her client.

Atty. Sowa stated, you have a situation here with this 'college party' ... you heard testimony that they checked I.D.'s at the door ... after it was checked, a bracelet was put on so that the bartender wouldn't have to do any further inquiries to serve alcohol ... I don't think that's so out of whack as Capt. Vicente sees it ... they're trying to do things right ... and what bothers me here is that ... you (Officer Wadman) have an opportunity to check I.D.'s of people who were actually in that establishment ... and you don't do it ... he indicated that he didn't see any drinks being served ... and it was 1:30 a.m. or so by the time he was in there ... the testimony was that they closed the doors at midnight ... and that they tried to have everybody out of there by about 1:00 a.m. ... they weren't serving any alcohol ... and you have people outside who may or may not have been in that establishment that night ... the best that we have that we heard tonight ... is that Ms. Johnson ... who's 19 yrs. old ... said that she heard about the party through a flyer at school ... now unfortunately ... the next question does not get asked ... well, were you in the bar tonight? ... Did you get turned away from the bar tonight? ... Did you go to any other bars tonight? ... No! ... There's a basic assumption that they had to have been in Jalice Café ... that assumption is just wrong! ... There's no indication of any of these people being argumentative ... overly intoxicated ... no where is that stated in any of the Police Reports ... so you have a bar that's empty ... they did the best that they could do ... and I believe succeeded ... in ensuring that there was nobody under the age of 21 yrs. old in that bar that night ... and with all due respect to Officer Wadman and to Lt. Richard ... and the Police Department ... there has been no evidence presented that anyone inside that bar was under the age of 21.

Prior to making his motion, Commissioner Almeida stated, in my opinion ... I think that there is evidence that a 'college

night' was held that evening ... and that there were underage people in attendance.

VOTED: Upon listening to those present to testify on behalf of the licensee, and based on the evidence presented, found that the licensee violated 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises and therefore the Board, on a motion by Commissioner Almeida, and on a second by Commissioner Craig, **voted in the majority to suspend the license for a period of ten (10) days, five (5) to be served (06/03/13 – 06/07/13) and five (5) days held in abeyance for one year providing no additional violations are reported, with Chairman Beauregard voting against. The Board also voted to place the establishment on one (1) year probation effective April 22, 2013 thru April 22, 2014.**

The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. within five (5) days of receipt of this notice with a copy submitted to this office as well.

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

The Board's decision was based on the testimony of the responding police officer for another late night disturbance. The disturbance resulted from a promoted event targeted to UMass-Dartmouth students who were bussed to your establishment from the campus and then left to fend for themselves for a return ride to the campus. This promoted event resulted in a disturbance in the immediate area that required the assistance of multiple police officers. It was reported that a number of these students were under age.

The Board also found the licensee in violation of allowing objectionable persons on or about the premises and failing to maintain a safe premise. Additionally, the Board felt that you failed to heed prior warnings regarding the use of promoters which the Board contends inhibited your ability to maintain full authority and control of the premises.

23. Hearing: Jalice Café, Inc.

Derick Pina Goncalves, Manager
1468 Acushnet Avenue

Your presence is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents reported by the New Bedford Police Department. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -)

Action Taken: None

24. Hearing: Skylight Enterprises, Inc. d/b/a ALIanca Lounge

Michael R. DeMatos, Manager
1708 Acushnet Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules & Regulations, as reported by the City of New Bedford Police Department; the Board will also review the ongoing calls to service to this location that have resulted in neighbor complaints of late night disturbances, 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; and if warranted, a roll back of hours may be considered. 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 Nos. 11 & 12-

Excessive Noise, Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident Reports

Police Department Incident Report states that multiple units were dispatched to ALIanca Lounge located at 1708 Acushnet Avenue; on the report of a fight in progress and that a male patron had been stabbed. Upon arrival, the officers observed a male lying in the street (Nash Road) with a laceration on his head. Witnesses testified that he was jumped by three guys who hit and started to kick him while he was on the ground. The officers also found another victim in the bar

that was identified as a bouncer for ALIanca Lounge, who stated that he was stabbed in the back when he went to break up the fight. The officers were later informed that two more victims had arrived at St. Luke's Hospital with stab wounds. When questioned by the officers, Mr. DeMatos, who is a co-owner and manager, stated that nothing happened inside of the bar and the fight was outside of the bar, and that he did not see what happened; and that he only knew of the incident when the bouncer came back inside the bar and stated that he had been stabbed.

Date and time of alleged violations: Friday, March 15, 2013 @ approximately 2:03 a.m. – Police Report # 13-27229-OF

Neighbor Complaint

On 03/15/13, the Licensing Board office received a verbal complaint from a neighbor who came into the office and filed a complaint about the Alianca Lounge, which had a stabbing early Friday Morning. She stated that there are constant problems there and that she has kids and she's concerned. A current Police Log was requested, and indicated that the bar has had numerous disturbance calls over the past several months, with most occurring after midnight, especially at closing time (2:00 a.m.), which would indicate a lack of control of the premises at that time.

Note: Licensee was on probation (thru 09/19/13) when the alleged incident occurred; A 'Roll Back' of hours to reflect a 12: 00 a.m. closing, is being held in abeyance for Sixty (60) days for a previous violation.

Present: Atty. Michael Medeiros along with Michael DeMatos, Manager, Joshua DeMello, Bouncer and Richard Nunes, Bouncer; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Detective Michael Carrier and Officer Paul Hodson, Reporting Officers

Upon being asked by Mr. Nanopoulos if his client had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was requested to appear before the Board based on the summary, and the list of alleged violations contained in the 'Notice', Atty. Medeiros, speaking on behalf of his client, stated that he did. When asked by Mr. Nanopoulos if they wanted him to read the written incident summary contained in the 'Hearing Notice', Atty. Medeiros stated that would not be necessary, since it was included in his hearing notice that was sent to him, therefore, he waived the reading of the summary.

Chairman Beauregard informed the licensee that the Reporting Officers were present to read, summarize, or give testimony to what was contained in their reports; and at the conclusion of his testimony, the Board would then ask any questions they may have, and then he would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Atty. Medeiros responded, I see no need for the Officers to read their reports but I do have a few questions for the Officers.

Atty. Medeiros opened the proceeding by asking Officer Hodson, how did you arrive at the scene that night, Officer Hodson responded, we were dispatched to the scene a little after 2:00 a.m. regarding a report that a male had been stabbed ... when we arrived ... there was a male laid out on the street with lacerations to his head ... when we were tending to him ... we were informed that was another victim in the bar that had been stabbed.

When asked by Atty. Medeiros, when you first arrived, you arrived at the corner of Nash Road and Acushnet Avenue?

Officer Hodson responded that's correct.

When asked by Atty. Medeiros, would it be safe to say that's approximately 80 to 100 feet away from my client's front door? Officer Hodson responded, probably ... I would say about that.

When asked by Atty. Medeiros, when you first arrived, how many people did you see on the corner? Officer Hodson responded, when I arrived, there were probably 4 to 5 people standing there who knew the victim ... but the area had already been cleared by the other Officers on the scene.

When asked by Atty. Medeiros, so when you got there, you didn't really see any actual fighting, Officer Hodson responded, that's correct.

When asked by Atty. Medeiros, do you know how long the victim was lying there before you arrived, Officer Hodson responded, just a few minutes.

When asked by Atty. Medeiros, did he explain to you what happened, Officer Hodson responded, no, he was pretty much incoherent at the time and couldn't talk to us but one of the females that were standing with him stated that he was jumped by 3 or 4 males on the corner.

When asked by Atty. Medeiros, so at any point in time did you speak to him about what had transpired, Officer Hodson responded, no.

When asked by Atty. Medeiros, how long have you been a Police Officer, Officer Hodson responded, about 13 years.

When asked by Atty. Medeiros, and you understand the importance of being thorough in a Police Report, Officer Hodson responded, yes I do.

When asked by Atty. Medeiros, would say that the Police report you prepared is a thorough Police Report, Officer Hodson responded, yes I do.

When asked by Atty. Medeiros, and you prepared the Police Report how long after the incident, Officer Hodson

responded, a couple hours ... maybe less.

When asked by Atty. Medeiros, would it be safe to say that your memory of what transpired was better on that day than it is today, Officer Hodson responded, I would say yes.

When asked by Atty. Medeiros, and you were thorough in the detail when you prepared the report ... is that correct, Officer Hodson responded, yes I was.

When asked by Atty. Medeiros, I see that there's an Officer (Detective) to your immediate left, was he at the scene, Det. Carrier responded, I was there but then I left to go to St. Luke's Hospital to speak to the other two stabbing victims who were being treated there.

When asked by Atty. Medeiros, so your Police Report doesn't make any mention of this particular Officer, Det. Carrier responded, that's correct.

When asked by Atty. Medeiros, so when you arrived, did you check his vitals to see if he was alive, Officer Hodson responded, there were EMT's on the scene and they were working on him.

When asked by Atty. Medeiros, so what did you do next, Officer Hodson responded, I started speaking to Ms. Hutchins, the victims girlfriend, and while I was outside, I was informed by one of the other Officers that there was another stabbing victim inside. Officer Hodson identified the person to be Mr. Nunes who was sitting at the table.

When asked by Atty. Medeiros, did you go into the establishment, Officer Hodson responded, I did ... and I spoke with him ... and he stated that as the bar was letting out ... there was a fight that started on the corner ... and he went over to break it up ... and as he was attempting to break it up ... he got stabbed in the back.

When asked by Atty. Medeiros, other Mr. Nunes was there anybody else in the bar at the time you went in, Officer Hodson responded, there were still several people inside including a couple of workers, as well as some customers outside.

When asked by Atty. Medeiros, you said you spoke to a female outside ... other than her ... did you speak to anyone else, Officer Hodson responded, there were a couple of other females out there but they said they didn't see anything.

Atty. Medeiros stated that he had no further questions for Officer Hodson.

When asked by Chairman Beauregard if he had any further questions for the Officers or for his clients, Atty. Medeiros stated, instead of asking them (his clients) questions ... in the interest of saving time ... I'll can representation in a summation just to save some time.

Atty. Medeiros summarized his client's testimony by stating, Mr. DeMatos is the owner and also the manager of ALlanca Lounge ... and basically it's his policy that they close the place roughly right around 2:00 a.m. ... the two bouncers that are here are Mr. Nunes to my right ... and if you asked him any questions ... basically his testimony would be that nothing out of the ordinary occurred in the establishment that given night ... the policy is that at 1:30 a.m. ... they call last call ... at 1:45 a.m. ... the music gets lowered and half the lights come on ... and around ten of two ... five of two ... all the music is turned off ... all the lights are on ... the bouncer goes to the front door ... and on Fridays and Saturdays there are two bouncers on duty ... there happened to be two bouncers there that night ... one wasn't scheduled to there ... he just came by ... luckily, he came by after leaving his other job ... but the scheduled bouncer for that evening was Mr. Nunes ... as people are walking out ... and his job is to make sure that they make the transition outside of the threshold of the bar ... and into their automobiles as quickly and as quietly as possible ... to make sure there's the least amount of disturbance ... and as he's doing this ... he happens to notice that there are some people down at the corner of Nash Road and Acushnet Avenue in the midst of a fight ... he would testify that the people that were there ... he doesn't have any belief that they were in the bar that particular evening ... he approaches them to try to break them up ... but there is basically three men on one ... but he gets in there to try to break it up ... and then as they disperse ... he heads back to the bar and senses that he may have had a drink spilled on him ... but then he puts his hand on his back and notices that he's been cut or stabbed ... there's blood ... at that point or shortly there after ... the police show up ... and rushed off to the hospital.

Atty. Medeiros continued his remarks by stating, this is a situation in which my client on that particular day had been inside the bar ... it happened in seconds ... based on the Police Report ... based on what the Officer indicated ... there's no evidence that these people that were the culprits behind this fight or the individual that had a knife in their hands ... was actually in the bar for any prolonged period of time ... there's a statement in the Police Report ... that wasn't testified to by the Police Officer ... that says from one girl states that the gentleman may have been there earlier that evening ... we don't know how long he was there ... whether he drank there ... that particular description has been brought to my client's attention ... there is no one that fit that type of description that would have been there that night or whoever been there with that type of hair that she indicates ... my client, Mr. DeMatos, has basically gone over this with these workers trying to

rehash what may have happened on that particular night ... basically, people left the bar ... the people that were leaving the bar were predominately going in one direction down the street ... and a fight broke out ... and he (Mr. Nunes) takes it upon himself to go see if he can break it up ... unfortunately, he ends up getting hurt ... we've considered the fact that

there are other bars down the street ... Dublins is not that far away ... the Ecco Lounge is not that far away ... it appears that Thursday nights has become busy nights for some of these bars ... they filter around ... there is a lot of parking ... Nash Road serves as a common parkway for a lot of bars on that walkway ... unfortunately, what we have here is a situation in which someone did get hurt ... and I know this Board always feels that they need to take sort of action or form of action to ensure that the patrons are protected ... however, given the evidence that we have here today ... I don't see where any of these people were patrons in this particular establishment that would lead us to believe that they failed to act ... liability attaches ... people come across a threshold like a business ... and that's what he is ... liability attaches ... however, at some point ... liability also terminates ... I understand that it just doesn't terminate beyond the threshold ... and that's been established in many cases when it comes to liability involving alcohol when 3rd parties are injured ... this is a slightly different situation ... this is one in which people are escorted ... they're watched ... and we see something going on 80 to 100 feet away ... and there's really no evidence linking it to my client's establishment.

Chairman Beauregard then stated, through you Counselor ... I have one particular question ... is that, we have a difficult time getting bouncers to handle incidents that occur directly outside of an establishment on the sidewalk ... but yet this bouncer walked 80 to 90 feet ... your testimony ... down the street to break up a fight of people that he has no knowledge that they were ever in the establishment.

Atty. Medeiros responded, that just happened this past week in Boston (Marathon Bombings) ... people that don't even know each other ... they went up and helped one another ... and that 's what he saw ... he's an individual that saw three people against one ... and he reacted.

Atty. Medeiros then asked Mr. Nunes, What did you see?, Mr. Nunes responded, basically, I saw people fighting ... it's just instinct ... I see a fight ... I go and break it up ... I couldn't say if those people were in there that night ... I'm not sure ... they could have come from Dublins ... they could have come from Ecco ... I don't know but there was a commotion outside ... and that's what we do ... we get rid of the people.

Capt. Vicente stated that Det. Carrier was assigned to the follow up investigation, and requested that he testify to what he learned during that follow up investigation at the hospital and back at the bar.

Chairman Beauregard then asked Det. Carrier to either read or summarize his follow up investigative report of 03/15/12. Det. Carrier stated, I was dispatched to 1708 Acushnet Avenue on a report of a fight in progress that resulted in multiple stabbings, and upon arrival I spoke to Mr. DeMatos, Mr. DeMello, and Mr. Nunes ... Mr. DeMatos indicated to me that nothing happened in the bar that night ... Mr. DeMello indicated to me that as he was escorting people out ... that two men who he had in the establishment began to argue ... he had one male, who I later indentified as Mario Barros, standing near the entrance and was attempting to take care of the situation ... the second male that was involved was named Wayne Ramos ... the male who was later found lying on the corner ... Mr. DeMello stated that he directed Mr. Ramos to just leave so that he could get the other party (Mr. Barros) out of there ... he allows Mr. Ramos to leave believing enough time has past ... but they end up hooking up on the corner again ... and Mr. Ramos is jumped by Mr. Barros along with two other unknown parties, which have not been identified at this time ... but Mr. DeMello does in fact state that these parties are regulars in the bar and began to argue ... I interviewed Mario Barros and his girlfriend ... and they both stated that they were in the establishment.

When asked by Atty. Medeiros to clarify as to who said they were in the bar earlier, Det. Carrier responded, Mario Barros and his girlfriend, Shydora Bailey ... and those are the parties that get transported to St. Luke's Hospital ... where it was determined that Mr. Barros was stabbed twice in the arm and twice in the torso ... and Ms. Bailey had two knife lacerations on her arm ... but they both indicate that they were drinking in the establishment.

When asked by Atty. Medeiros if a report had been prepared on this, Det. Carrier responded, the report was just completed and charges have been issued against Mario Barros.

When asked by Atty. Medeiros if he was the victim, Det. Carrier responded, he was a victim to the extent that he was stabbed but he was identified as the assailant along with the other two unidentified males.

When asked by Atty. Medeiros as to who gave him the information that it was Mario Barros who actually initiated the fight, Det. Carrier responded, a description matching that of Mr. Barros was given in an interview with Mr. Nunes at the hospital ... and I also got the same description from Mr. Ramos's girlfriend (Amanda Hutchins) ... who also stated was the man she saw arguing with Mr. Ramos ... and that she also saw him inside the establishment earlier ... as well as seeing them arguing as they were leaving the establishment ... and she also saw him run up onto Mr. Ramos with two other individuals.

When asked by Atty. Medeiros if he had read the report prepared by Officer Hodson, Det Carrier responded, probably did at some point.

When asked by Atty. Medeiros if he was aware of the fact that Ms. Hutchins stated to Officer Hodson that Mr. Ramos was jumped by three guys who hit and started to kick him while he was on the ground but when asked if she could describe him, she stated that she could not; and when Mr. Ramos was asked if he could identify who attacked him, Mr. Ramos responded that he was hit from behind and did not see who hit him, and when asked if he had any problems with anyone

inside of the bar, Mr. Ramos responded that he did not; so basically you're telling me now that in essence Ms. Hutchins is changing her story.

Det. Carrier responded, I developed additional information ... she was shown pictures, to which Atty. Medeiros responded, which contradicts her prior statement, and asked, was she charged with filing a false Police Report, to which Det Carrier responded, no.

Det. Carrier continued his testimony by repeating his prior testimony with regard to what Mr. Hutchins saw and what Mr. Ramos was able to recall, but based upon the photo identification by Ms. Hutchins, it was determined that Mr. Barros struck Mr. Ramos, who Ms. Hutchins stated was in the bar that night.

When asked once again by Atty. Medeiros who identified Mr. Barros as the assailant, Det. Carrier responded, Ms. Hutchins, to which Atty. Medeiros responded, who initially told you that she didn't know who struck him.

Det. Carrier responded, she didn't tell me that, she told Officer Hodson that.

Capt. Vicente offered the following with regard to witnesses changing their testimony during an investigation; I've been involved in a lot of investigations ... it not unusual for someone to change their testimony that was given in a middle of crowd ... surrounded by uniformed police officers ... they're very hesitant to speak ... but once we get them to the station to conduct a further investigation or away from the street ... and we get them to sit down and come down ... yes, they come clean.

Atty. Medeiros responded, I would agree if she hadn't seen anything ... but in this case she said she couldn't identify him, to which Capt. Vicente responded, it happens all the time.

Atty. Medeiros then asked all three of his clients if they saw Wayne Ramos in the bar that night, to which all three stated that they didn't recall seeing him in the bar that night but one of the bouncers stated that he did see him outside of the door at about 2:05 a.m. just prior to seeing him at the corner being assaulted.

Mr. DeMello stated that he was outside of the bar having a cigarette when the incident occurred, which happened about 5 or 10 feet away from the door; and when they started to argue, he held Mr. Barros back and made him wait a minute or two at least; and he had Mr. Ramos leave to try to make sure nothing happened.

When asked by Atty. Medeiros, if he knew Mr. Barros, or if he saw him in the bar that night, Mr. DeMello responded, no I don't and I didn't see him in the bar that night; but I was sitting in the back of the bar talking to the bartender, so I wasn't walking around, so I didn't notice if he was in the bar.

When asked by Atty. Medeiros, if he knew Mr. Barros, or if he saw him in the bar that night, Mr. Nunes responded, no I don't and I couldn't tell you what he looks like.

Chairman Beauregard then asked, would you please tell the Board what was going on in this establishment that evening ... Was it music? ... Was it a DJ? Mr. DeMatos responded I had a DJ.

Chairman Beauregard then asked, was it any type of promotional event or was it just a DJ working for you, to which Mr. DeMello responded, yes (a DJ working for him).

Chairman Beauregard then asked, what time does the kitchen close, Mr. DeMatos responded, I really don't have a set time ... I pretty much close when I want to.

Chairman Beauregard again asked, what time does the kitchen close, Mr. DeMatos responded, around 9 or 10 o'clock.

Chairman Beauregard then asked, and you have receipts in the restaurant that show that you're running a kitchen/restaurant type operation, Mr. DeMatos responded, no, I don't have receipts.

Chairman Beauregard then asked, so you don't keep separate receipts between your food sales and your liquor sales, to which Mr. DeMatos responded, I don't have a full kitchen, I just do a couple of appetizers' to which Chairman Beauregard responded, so basically, you're considered more of a club/bar than a restaurant, to which Mr. DeMatos responded, yes.

Chairman Beauregard responded, which is not what you told the Board when you came in here to get your license, is that fair to say, to which Mr. DeMatos responded, yes it is.

Chairman Beauregard continued his comments by stating, so I refer back to that previous meeting of June 29, 2009, when this Board was told that you planned to operate a full menu establishment as a restaurant, with the kitchen being open from 11:00 a.m. until 2:00 a.m.; and that there would not be any entertainment; and then asked once again, so you're not doing what you told the Board you were going to do, is that fair to say, to which Mr. DeMatos responded, yes it is.

In defense of his client, Atty. Medeiros acknowledged what was said at the previous meeting, and then asked his clients if he sold appetizers, to which Mr. DeMello responded, yes I do.

When asked by Atty. Medeiros as to what kind of appetizers he serves, Mr. DeMello responded, I sell chicken wings ... boneless wings ... mozzarella sticks ... quahogs ... fries.

When asked by Atty. Medeiros, how often is the menu available to your patrons, Mr. DeMello responded, every day!

When asked by Atty. Medeiros, at what time does the kitchen open, Mr. DeMello responded, when we open at 4 o'clock; and added, **once it starts getting a little busy ... I stop serving food ... I don't want to deal with that.**

Chairman Beauregard then reminded Mr. DeMatos that he informed the Board that the kitchen would be open from 11:00

a.m. until 2:00 a.m.

Mr. DeMatos responded, yes I did ... that's when I had my father's help ... then I lost his help.

Chairman Beauregard then reminded Mr. DeMatos that his follow up comment at that meeting was that there would not be any entertainment, to which Mr. DeMatos responded, I don't remember that but I do have an 'Entertainment' license. Chairman Beauregard stated that he had nothing further, and asked if anyone else had any other questions.

Chairman Beauregard then recognized Det. Carrier who motioned that he had something further to add; Det Carrier stated, just to clarify what both parties told me during their interviews ... they told me that they were at the establishment that night.

Atty. Medeiros objected to any further testimony from Det. Carrier, based on the fact the information that he was presenting was contained in a report not noted on the hearing notice, and one that he hadn't had an opportunity to review; Chairman Beauregard concurred, and closed the hearing, and asked for a motion.

Commissioner Almeida stated, we heard testimony from the Officers stating that both parties gave testimony that they were in the establishment that night, and the licensee and his employees testified that they weren't; and added, (referring to the Police Log), I see a lot of problems that arise from there ... all these disturbances ... and you're on probation already.

As a result of not hearing a motion from the floor, Chairman Beauregard offered the following for consideration, I can't make any motion ... but as I listen to the testimony ... I think there is some ambiguity as to whether they were in fact ... based on what you (the defense) had presented in front of us this evening ... enough evidence to know whether these gentlemen ... and females as well ... were in the establishment at the time ... I will grant you that ... with that being said ... I'll entertain a motion.

Prior to the vote on, Chairman Beauregard stated to the licensee, on the question ... I just want you to be aware that since we re-instated your full hour of operation ... we are back to incidents repeating all over again ... and if you look at the Incident Report at what's taking place over there ... while we had you closing earlier (midnight) ... things were much better than they are right now ... you're right back where you were ... so you got a break tonight.

Chairman Beauregard then reviewed some promotional posters that have been found on line and posted throughout the city, which reflect "promoted nightclub events"; and then stated to the licensee, "this is not what you billed us to be ... so we're not happy guys ... so I'm just telling you ... you got a break tonight with our decision to receive and place on file ... but if incidents continue over there ... you're not going to get the same break you got tonight.

When asked by Chairman Beauregard, if he heard him loud and clear, Mr. DeMatos responded, yes sir!

Chairman Beauregard then called for a vote on the motion.

VOTED: Commissioner Almeida made a motion, to issue the licensee 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 05/01/13:

Based on the evidence presented, the Board found no evidence that violation(s) had occurred and therefore voted unanimously to receive the report and place on file with no further action at this time.

Although the Board elected not to take action, it was made very clear to the licensee that continued disturbances in or around the premises would not be tolerated. Numerous calls for disturbances have been recorded since your establishment went back to regular hours and that we are monitoring this situation very closely. Please be advised once again of the following ABCC and Licensing Board 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 premises.

Licensing Board Regulation No. 10, 11, & 12-

Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Excessive Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

25. Hearing: Skylight Enterprises, Inc. d/b/a ALIanca Lounge

Michael R. DeMatos, Manager

1708 Acushnet Avenue

Your presence is requested at a 'Public Hearing' to be held to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents reported by the New Bedford Police Department. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -)

Action Taken: None

- **CORRESPONDENCE,**

From: Committee on Public Safety & neighborhoods **Dated – 03/14/13** **Received 04/03/13**

On a motion by Councilor Gomes and seconded by Councilor Coelho, the Committee VOTED: That the City Council recommends to the Mayor and the City Solicitor that the members of the Licensing Board are once again made city employees and receive all the protection and backing that employment with the city entails, so that they may once again proactively inspect bars, restaurants, and other establishments in the city in order to improve the safety of our neighborhoods: and further that the Police Department also be involved in these inspections as well....This motion passed on a voice vote.

Rule 42Waived – Yeas 9, Nays 0

IN CITY COUNCIL, March 14, 2013

Recommendation Followed.

Presented to the Mayor for Approval March 18, 2013

Rita D. Arruda, City Clerk

Presented to the Mayor for Approval on March 4, 2013

Rita D. Arruda, City Clerk

RETURNED UNSIGNED April 1, 2013

ACTION TAKEN: Received & Placed on File.

From: Atty. Jeffrey J. Cymrot **Dated –04/04/13** **Received – 04/08/13**

Re: Jared T. Morgado (Licensee -- Jennicas, Inc. d/b/a The Candleworks Restaurant) 72 North Water Street

Notification of Bankruptcy Filing: A bankruptcy case concerning the debtor (s) listed above was filed under Chapter 7 of the United States Bankruptcy Code, which was entered on 04/02/13 at 3:27 p.m. and filed on 04/02/13. The bankruptcy trustee is Atty. Warren E. Agin, and the case was assigned case number 13-11899 to Judge Frank J. Bailey.

ACTION TAKEN: Received & Placed on File.

From: Atty. Jeffrey J. Cymrot **Dated –04/04/13** **Received – 04/08/13**

Re: Jennicas, Inc. d/b/a The Candleworks Restaurant) 72 North Water Street

Notification of Bankruptcy Filing: A bankruptcy case concerning the debtor (s) listed above was filed under Chapter 7 of the United States Bankruptcy Code, which was entered on 04/02/13 at 4:18 p.m. and filed on 04/02/13. The bankruptcy trustee is Atty. Warren E. Agin, and the case was assigned case number 13-11903 to Judge William C. Hillman

ACTION TAKEN: Received & Placed on File.

From: Kim S. Gainsboro, ABCC Chairman **Dated – 04/16/13** **Received – 04/19/13**

Re: Boa Vida Five Star Imports, Inc. d/b/a Boa Vida Imports 2243 Purchase Street

Hearing Date – Wednesday, May 22, 2013 @ 10:30 a.m.; an appeal hearing will be held on the action of the New Bedford Licensing Board in denying the application for a New Wine & Malt License for the above referenced applicant.

Note: Action Required

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. XS Lounge	#13-3062-OF	03/23/13	Unsafe Premises/Disturbance (Fight)/

-Tabled at 03/27/13 Meeting-

Patrons Assaulted & Stabbed/
(Approximate Time of Violation 2:20 a.m.)

Decision: Based on the lack of evidence in the report submitted to the Board showing that the incident occurred on or about the licensed premise, the report was received and placed on file with no further action at this time.

2. Inner Bay #13 – 3059-OF 03/23/13 Unsafe Premises/Disturbance (Fight)/
Patrons Assaulted (Promoted Event)
(Approximate Time of Violation 2:22 a.m.)

Decision: Based on the lack of evidence in the report submitted to the Board showing that the incident occurred on or about the licensed premise, the report was received and placed on file with no further action at this time.

- **Upcoming Summer Events & Festivals** (*Informational Only*)
 - 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, 12th, 13th, & 14th
(May Meeting)
 - Feast of the Blessed Sacrament (Madeira Feast) – Aug. 1st, 2nd, 3rd & 4th
(June Meeting)

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:** May 20th (Monday) & June 26th (Wednesday) - **Approved**
- **MEETING ADJOURNED:** 9:25 p.m.