



Licensing Board

October 21, 2013 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-MINUTES -

Monday, October 21, 2013

Room 314 – 7:00 p.m.

PRESENT: Steven A. Beaugard, 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

Transfer - Trans. #039 – Plot # 46--13

Jennicas, Inc. d/b/a The Candleworks Restaurant, Donald R. Lasserma, Chapter 7 Trustee, who is petitioning for a Transfer (Bankruptcy Estate Sale) of a Common Victualler (Restaurant) All Alcoholic Beverages License to Calypso Hospitality, LLC d/b/a Seafire Grillhouse & Bar. Margaret Kulpinski is the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC; Margaret Kulpinski is also the Proposed New Manager of the Liquor License. Premises will remain the same at 72 North Water Street.

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

Approved By ABCC – 09/23/13

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

Change of Manager - Trans. #167 – Plot # 123—43

New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, 500 King’s Highway, is requesting the approval of Isaac B. Macy who resides at 903 South Rodney French Boulevard, New Bedford, MA. as **their new manager**.

Approved By ABCC – 10/01/13

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

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officers, Directors, and d/b/a - Trans. # 036 – Plot # 126—65 (No Representation Required) – LATE FILE

Pub 6 Social Corp. d/b/a Sixth Bristol, James Petitjean, President, who is requesting a Change of Officers and Directors of the General on Premise All Alcoholic Beverages License. Upon approval, James M. Petitjean will be the President, Secretary, Treasurer, and Sole Director; also being requested is a Change of d/b/a from the Sixth Bristol to the Pub 6 at the Sixth Bristol. Premises will remain the same at 736 Ashley Boulevard.

“Return No Action” - 10/15/13 – The requested ‘Certificate of Good Standing’ from the DOR has not been received from the applicant. – 1st Attempt

VOTED: To accept the disapproval from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon receipt of the requested DOR Certificate of Good Standing from the DOR. – Unanimous

VOTED: On a motion from Commissioner Almeida, the Board voted unanimously to remove Item # 1 from the table. – Unanimous

Tabled at 09/23/13 Meeting (Applicant Did Not Appear As Required)

1. PETITION - Trans. # 174 – Plot # 18--107

People’s Super Liquor Stores d/b/a Douglas Wine & Spirits, 446 Dartmouth Street, is requesting the approval of **Donald S. Underhill** who resides at 100 Hickory Drive, Raynham, MA. as **their new manager.**

Present: Donald S. Underhill, Proposed New Manager

Responding to questions from Chairman Beaugard, Mr. Underhill stated he’s been employed by Douglas Wine & Spirits sine 2011, and that he was being promoted from assistant manager to manager, and that he’s on site about 40-50 hours a week at a minimum, usually more.

When asked by Commissioner Almeida if he was T.I.P.S. Certified, Mr. Underhill stated that he was.

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. Underhill submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior. –

Unanimous

2. PETITION - Trans. # 201 – Plot # 104--52 (No Representation Required)

N & W Convenience Mart, Inc., Waqar A. Butt, President, who is requesting a **Change of Director, Stockholder, and Transfer of all the Corporate Stock of the Retail Package Store Wine & Malt Only Alcoholic Beverages License.** Imran U. Hassan is petitioning to allow the transfer of all his corporate shares, and to accept his resignation as Director and Sole Stockholder in the corporation. Upon approval, Waqar A. Butt will be the President, Secretary, (New) Sole Director, and (New) Sole Shareholder (100%); and Nasir Mehmood will remain as the Vice-President and Treasurer. **Waqar A. Butt** will also remain as **Manager.** Premises will remain the same at **425-433 Belleville Avenue.**

Application has been advertised.

Mr. Nanopoulos informed the Board that the petition was strictly a change within the existing corporation, where one of the Corporate Officers (Waqar A. Butt), who is also the Manager of Record, bought all the shares in the corporation from the Sole Stockholder (Imran U. Hassan), and assumed the position as Sole Director.

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. # 164 – Plot # 119--86

Jay Vinayak Corp. d/b/a Trio Liquors, Parimal Patel, President, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to Hari Liquors, Inc. d/b/a Trio Liquors,** who is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License to Webster Bank, N.A. a national association with an address of 436 Slater Road, New Britain, Connecticut,** as security to authorize and execute a promissory note in the amount of **Six Hundred Thousand Dollars (\$600,000.00),** pursuant to Massachusetts General Laws Ch.138 s.23. Upon approval, Divyesh Patel will be the President, a Co-Director, and a Co-Shareholder (45%); Manish Patel will be the Treasurer, a Co-Director, and a Co-Shareholder (27.5%); and Alpeshkumar Patel will be the Secretary, a Co-Director, and a Co-Shareholder (27.5%). **Divyesh Patel** is also the **Proposed Manager.** Premises will remain the same at **928 Belleville Avenue.**

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

Application has been advertised.

Present: Atty. Arthur Pearlman along with Divyesh Patel, Co-Owner/Proposed New Manager

Responding to questions from Chairman Beaugard, Atty. Pearlman stated that Mr. Divyesh Patel is the President and the manager, and that he would be on site about 40-50 hours a week, and that this would be his job ... he’s running the store; and that the other people listed on the application are his brother and his brother-in-law, and that they would also be working there as well.

When asked by Chairman Beaugard if he’s had any prior experience selling alcohol, Atty. Pearlman stated that he was the assistant manager at Tom’s Package Store, in Leominster, MA., which had a full liquor license.

When asked by Chairman Beaugard where he currently resides, Atty. Pearlman stated that he currently resides in Lowell but it’s his intention to move down to this area very soon.

When asked by Chairman Beaugard if he was T.I.P.S. Certified, Atty. Pearlman stated that he was but his certification has expired and it was his intention to get re-certified before he gets the license.

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. Patel submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior. –

Unanimous

4. PETITION - Trans. # 151 – Plot # 123--138

266 Dartmouth Street Realty, LLC d/b/a Black Watch Pub, Leo Tremblay, Manager of LLC, 266 – 268 Dartmouth Street, who is petitioning to Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to JAMA, LLC d/b/a Major League Burgers.

Upon approval, **Jane A. Magan-Askew** will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC; as well as the **Manager of the Liquor License**. Upon completion of the renovations, the new proposed licensed premises will consist of an area approximately 2,400 sq. ft. within a one-story street level building, which will include two (2) rooms for dining, along with a hostess and waiting area, and two (2) restrooms; and one (1) room, which will include a bar and lounge area, along with a liquor storage room and walk-in beer cooler in the rear of the bar area.

The premises will also include a kitchen area, which will include a dry storage area, walk-in freezer, and walk –in cooler. The premises, which will have one entrance/exit in the front of the building and two (2) emergency exits in the rear of the building, is situated on the east side of Mt. Pleasant Street, and **numbered 914 Mt. Pleasant Street**.

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

Application has been advertised; Abutters have been notified

Present: Atty. Greg Koldys along with Jane A. Magan-Askew, Sole Manager of LLC and Proposed New Manager.

Responding to questions from Chairman Beaugard, Atty. Koldys stated that the intent of the applicant is to open a restaurant with the emphasis on food but also to have the ability to serve alcohol; and as the plans indicate, there are approximately 52 seats in the main dining area with an additional 24 seats in the lounge; again, the emphasis is primarily be on the food that will have a concept of a ‘gourmet burger’ type operation; he also stated that Ms. Magan has had some experience in the past in terms of working in restaurants ... bartending ... and working in an assistant manager capacity in restaurants ... she’s T.I.P.S. Certified ... and the plan is to have anybody else that works there who will be serving alcohol to be certified as well.

When asked by Chairman Beaugard to elaborate as to her prior experience, Atty. Koldys stated, she pretty much worked in every position at what used to be known as Michaels Grill Café on State Road in Dartmouth from the dishwasher all the way up to the assistant manager of the operation ... bartending ... waitressing ... all the way through for a number of years there.

In response, Chairman Beaugard stated, that’s been gone a while.

When asked by Chairman Beaugard if the kitchen would be open the entire time the restaurant is open, Atty. Koldys responded, the restaurant will be open 7 days a week but they probably won’t be serving food until 1 in the morning or midnight.

In response, Chairman Beaugard stated, that’s what we’re trying to get a feel for ... is it going to become a bar at 10 o’clock until two o’clock or from midnight until two o’clock.

Atty. Koldys responded, the intent is certainly not be running a bar until two in the morning after the restaurant closes, and again, the intent at this point is to operate with the focus primarily on the food with drinks being available ... might the bar be open later than when food service ends ... yes, that’s possible.

Chairman Beaugard responded, that’s what we’re trying to get our hands wrapped around ... so we know exactly what we have going in.

When asked by Chairman Beaugard as to what time they were planning on closing the kitchen, Ms. Magan responded, “around eleven”.

When asked if they planned on staying open until two, Atty. Koldys responded, we’re asking for two but as a practical matter ... probably not ... I would suspect that the plan is not to remain open until two in the morning.

When asked by Mr. Nanopoulos as to when they planned to open, Atty. Koldys responded, it’s a build out ... but the hope was to open by the beginning of December ... but obviously the build out is going to take some time ... so we’re not actually sure at this time; the plans had been submitted to the Building Department and approved.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Magan-Askew 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 take up **Item #'s 5-7** at one time; waive reading; and approve the applications as presented – **Unanimous**

5. APPLICATION, (No Representation Required)

Russell Morin Catering, Gregory DeCelles, Representative, who is requesting approval of an application for a Special

One Day All Alcoholic Beverages License for a ‘Wedding Reception’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, October 12, 2013 from 5:00 p.m. until 10:30 p.m.**

6. APPLICATION, (No Representation Required)

AHA!, Lee Heald, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Book Signing Reception’, to be held at **Tia Maria’s**, located on **42 North Water Street**; and to be held on **Thursday, October 24, 2013 from 7:00 p.m. until 9:00 p.m.**

7. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Inc., Guida M. Rocha, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘St. Martinho Dinner Fundraiser’ to be held at **Irmandade Do Divino Espirito Santo Do Pico Hall**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, November 9, 2013 from 7:00 p.m. until 11:45 p.m.**

8. Hearing: 1846 Bar & Grille, Inc.

Omar J. Lawrence, Manager

1846 Purchase Street

Closed 07/01/12 – ‘Auction Sale Pending’

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: Licensee Was Excused From Appearing.

Mr. Nanopoulos informed the Board that he had spoken to the licensee and that it was his intention to sign the renewal in November and to pay for the license in December to keep the license going until the transfer comes through; and he also reminded the Board that the license had been sold at auction to Albert Santos, who plans to open The Black Whale Restaurant on the Pier.

Mr. Nanopoulos recommended that the Board table the matter until the next meeting in November to ensure that the renewal had been signed.

VOTED: Commissioner Almeida made a motion to follow the recommendation, and to table the matter to the Board’s November 18th meeting. – **Unanimous**

9. Hearing: Giraldo’s Restaurant, Inc. d/b/a Adriana’s Mexican Restaurant

Martha E. Gonzalez, Manager

1262 Acushnet Avenue

Approved 02/07/13 – ‘Renovations - Proposed September Opening’

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: Fernando Giraldo, Co-Owner along with Martha Gonzalez, co-Owner/Manager

Ms. Gonzalez opened the hearing by submitting a letter to the Board explaining as to why their previously stated ‘August’ opening has been delayed, which the Board voted unanimously to receive and placed on file.

Responding to questions from Chairman Beauregard, after explaining what they had done already and what still needs to be done, Ms. Gonzalez stated that she didn’t think the work would be completed until the end of January, and that she didn’t think it would be realistic to expect an opening before February 2014.

Chairman Beauregard suggested that they approve the 2014 renewal and tabled the matter until the Board’s February meeting in order to give the licensees an opportunity to complete the work, and strongly suggested to Ms. Gonzalez that the work be completed by that meeting, and warned that their failure to do so could affect the status of their license.

VOTED: Commissioner Almeida made a motion to follow the recommendation to approve the 2014 renewal and to table

the matter to the Board's February 2014 meeting. – **Unanimous**

10. Hearing: 266 Dartmouth Street Realty, Inc. d/b/a Black Watch Pub
Joseph Tremblay, Proposed New Manager
266-268 Dartmouth Street
Approved 05/24/13 – ‘Possible Sale Pending’

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application. You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: Licensee Was Excused From Appearing.

Mr. Nanopoulos informed the Board that he had spoken to the licensee and that it was his intention to sign the renewal in November and to pay for the license in December to keep the license going until the transfer, which was taken up earlier, comes through. (**See Item #4**)

VOTED: Commissioner Almeida made a motion to follow the recommendation to approve the 2014 renewal, and take no further action regarding this matter. – **Unanimous**

11. Hearing: J & M Enterprises, Inc. d/b/a Campino Tavern
Manuel DeBrito, Manager
821 South First Street
Closed 06/22/13 – ‘Sale Pending’

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application. You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: Manuel DeBrito, Owner/Manager along with John DeBrito, Owner's Son

Mr. DeBrito informed the Board that it was his intention to sell the license and that he has a potential buyer, but the deal hadn't been finalized yet but it was his intention to sign the renewal in November and to pay for the license in December to keep the license going until the deal is finalized and the transfer is approved.

When asked by Chairman Beauregard as to when he anticipated that the P & S would be signed, Mr. DeBrito stated that he couldn't say at this time.

Chairman Beauregard suggested that they approve the 2014 renewal and tabled the matter until the Board's February meeting in order to give the licensees an opportunity to complete the sale and transfer of license.

VOTED: Commissioner Almeida made a motion to follow the recommendation to approve the 2014 renewal and to table the matter to the Board's February 2014 meeting. – **Unanimous**

12. Hearing: China Lantern, Inc.
Kenneth Leung, Treasurer
116 Nauset Street
Closed – 11/01/12

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application. You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: Licensee Was Excused From Appearing.

Mr. Nanopoulos informed the Board that he had spoken to the licensee and that it was his intention to sign the renewal in November and to pay for the license in December; and that it was his intention to transfer the license to a new location on Belleville Avenue.

Mr. Nanopoulos recommended that the Board table the matter until the next meeting in November to ensure that the renewal had been signed.

VOTED: Commissioner Almeida made a motion to follow the recommendation, and to table the matter to the Board's November 18th meeting. – **Unanimous**

13. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant

Shiawee Yang, President

555 Pleasant Street

Approved 06/21/13 – Renovations/Transfer Pending?

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: No One Appeared As Requested

Atty. Christopher Markey, who was present at the meeting on another matter but who has been working with the Columbus Group, stated that an application for the transfer of license would be submitted in either November or December; and that it was the intention of the licensee to sign the renewal in November and pay for the renewal in December to keep the license going until the deal is finalized and the transfer is approved.

VOTED: Commissioner Almeida made a motion to table the matter to the Board's, November 18th meeting. – **Unanimous**

14. Hearing: PI-ZAN, Inc.

Jason P. Lanagan, Manager

29 Union Street

Closed 07/01/13 – Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....

Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: No One Appeared As Requested

VOTED: Commissioner Almeida made a motion to table the matter to the Board's, November 18th meeting. – **Unanimous**

15. Hearing: Whaler's Wine & Spirits, Inc.

Attn: Mr. Robert Camara (License Holder via Foreclosure)

3057-D Acushnet Avenue

Closed 03/09/09 – 'For Sale'

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2013**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2013 prior to this Board considering approval of your 2014 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

Required Action: Receive & Place on File the correspondence from Atty. Farrissey, dated October 2, 2013.

Present: Licensee Was Excused From Appearing.

The Board voted unanimously to receive the letter submitted by Atty. Farrissey dated October 2, 2013 on behalf of St. Anne's Credit Union and place it on file, which stated that it was the intention of St. Anne's Credit Union not to sign the renewal for their All Alcoholic Retail Package Store License for 2014.

Mr. Nanopoulos explained to the Board that if the license renewal is not signed in November that the license would revert

back to the city for re-issuance, and recommended that a lottery be held for the right to apply for the license, as they have done in the past with other licenses that came back to the city.

VOTED: Commissioner Almeida made a motion to table the matter to the Board's, December meeting. – **Unanimous**

16. Hearing: United Fisherman's Club, Inc.

Jack Custodio, Manager

639 Orchard Street

Your presence is respectfully requested at a hearing to determine the 'current' status of your annual liquor license for the year **2013**. The intention of this hearing is to determine the status of your corporation, as well as your status as the current manager of record.

I would like to bring to your attention the following ABCC & Licensing Board regulation:

Each Corporate Licensee shall appoint a manager (by a properly authorized and executed written delegation) who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing.

Please be advised that your failure to appear before this Board as requested will result in "Automatic Suspension" of your General on Premise All Alcoholic Beverages License.

Present: Atty. Christopher Markey along with Antonio Braz, Proposed New Manager

Atty. Markey stated that he was present along with Mr. Braz who's the proposed new manager but he has yet been approved by the ABCC due to some outstanding tax issues, which has not allowed them to receive a Certificate of Good Standing from the DOR, as required by the ABCC.

Atty. Markey continued his remarks by stating that he learned of the outstanding tax issue on Friday, and that it was his understanding that there's an agreement in place with regard to meals tax, which requires the 'Club' to pay approximately \$1,080.00 a month to the DOR for meals tax; in addition, there was a significant audit done by the DOR in the late spring in making a determination as to what amount the 'Club' owed in taxes from 2007 thru 2012, as a result of that audit, the United Fisherman Club has two accountants who have been working on that, and they have met several times with the Department of Revenue trying to work out a payment plan, which has not been finalized.

When asked by Chairman Beauregard if was this another payment plan separate from the \$1,080.00 agreement, Atty. Markey responded, yes, this is a corporate tax issue, which is much more significant than the meals tax issue, which they're trying to work out.

Atty. Markey continued his remarks by stating, there are issues with the audit ... I made efforts today to speak to the auditor from the Department of Revenue ... but I did not have a Power of Attorney from the club ... I tried to speak to that individual at 3 o'clock this afternoon but as a result he couldn't provide me with many answers ... but I intend on doing that over the next few days to figure out how close they are ... to make sure that they can do that ... so what I would ask is ... either they're going to be able to pay it and get a payment plan ... as a result of that ... they would be able to get a Certificate of Good Standing which will allow their pending request for a change of officers, directors, and manager to be approved by the ABCC ... but more importantly ... to be able to seek the renewal of the license ... I don't think they can get that until they get that approval ... so they have all the incentive in the world to do that before November 22nd ... if they don't have it done ... it puts their renewal in jeopardy ... so what I would ask is that the matter be tabled to your November 18th meeting ... and if they don't have the proper paperwork or they don't have everything done ... they're going to lose it.

When asked by Chairman Beauregard as to the amount that they owe, Atty. Markey stated, they have a balance from June 2007 thru June 2012 of \$210,000.00, which is the corporate tax owed; and on the meals tax there was \$12,000.00 owed, for there is a one year payment plan agreement on.

When asked by Chairman Beauregard, to be clear, so there is no agreement plan in place on the \$210,000.00, to which Atty. Markey responded, no there isn't but I can say that there are two individuals who have been working on it and there's a letter from May 13th of this year describing the audit and an appellate process ... they've gone up to Boston ... apparently there's a Board of Appeals on the Tax ... but before it gets to that ... it has to have a hearing in Fall River with the auditor to go over everything ... and it's my understanding that they haven't had that yet ... It's my understanding they will be remanding it back with the intention of trying to work out an agreement.

When asked by Chairman Beauregard, are they aware that time is of essence, Atty. Markey responded, I spoke with Mr. Braz and I told him that on Friday that time will be of the essence because of the time frame that were in with regard to renewal of the license; if they can work out an agreement and start that ... they'll be able to do that ... if they don't ... I don't know how they can move forward.

When asked by Chairman Beauregard if Mr. Custodio is technically the manager, Mr. Nanopoulos stated that he was; which was also confirmed by Atty. Markey.

Mr. Nanopoulos reminded those present that the pending application, for which a Certificate of Good Standing is required, is for a Change of Officers, Director, and Manager, and that application has not been approved by the ABCC as of yet because of the tax issues, so they have no authorization to act on behalf of the 'Club'; and that only the last approved set of Officers, Directors, and Manager have the authorization to sign the renewal in November, and no one else. When asked by Chairman Beauregard if Mr. Custodio was still around, Atty. Markey stated, I asked Mr. Braz to try to get a hold of him and he tried to get a hold of him but he couldn't get him; but I asked Mr. Braz if he was still involved, and he said, no.

Chairman Beauregard suggested that the matter be tabled until the November 18th meeting, in order to give them some additional time to resolve their tax issues but questioned if that would be enough time to reach an agreement, so that their pending application could be approved by the ABCC.

Atty. Markey responded, I will let Nick know if it will be doable ... it's either going to be either they have or they don't have it ... if they don't have it ... they won't be able to renew their license.

Mr. Nanopoulos informed Chairman Beauregard that Mr. Braz had applied for 3 of the Nutel Phone Card machines but he hadn't released the license without the Board's approval, and asked if they wanted him to release it, Chairman Beauregard suggested that they get their house in order before we approve anything new.

Chairman Beauregard then asked Mr. Braz about an event that was being promoted next Friday (10/25/13), Mr. Braz responded, it's not a Halloween Party ... it's a dance.

When asked by Chairman Beauregard, you're supposed to be notifying us of any upcoming events aren't you, Mr. Braz responded, yes.

When Chairman Beauregard stated that there were promotional posters posted around town, Mr. Braz responded, how could that be, the guy just came in two days ago.

When Mr. Nanopoulos asked Mr. Braz to confirm that it was only two days ago, Mr. Braz responded, yes.

Mr. Nanopoulos then informed Mr. Braz that he was in the Top Shelf Grill this past Friday night (10/18/13) and he observed and took a picture of a 'promotional poster' for a Halloween Party to be held at the United Fisherman Club on Friday, October 25th, to which Mr. Braz stated that he came in on Saturday to talk to us ... in fact, he's friends with one of the people in the 'Club', and they probably told them that you can get it.

When Mr. Nanopoulos asked Capt. Vicente to check to see if a Police Detail had been applied for the event 4 days away, Mr. Braz stated, when they came in they stated that they were going to have a Police Detail ... that's what they said ... and added, usually we don't hire the Police Details ... they do!

Chairman Beauregard responded, that should be your responsibility, to which Mr. Braz responded, we make sure that they get it, Mr. Chairman ... we make sure that they get it ... but they are the ones that go down and sign, and pay for it ... because we already got stuck with a bill that they put on us and never paid ... in fact we've got one final payment of \$700.00 and some odd dollars but we got stuck with \$1,700.00 that we've already made two payments on.

When Chairman Beauregard told him not to even hire the Police Detail until the money is paid up front, Mr. Braz stated, we don't even hire the detail anymore, to which Chairman Beauregard responded, that's what I'm telling you ... it's your responsibility to hire the Police Detail and you should be getting the money up front from the person putting on the event.

VOTED: Commissioner Almeida made a motion to table the matter to the Board's, November 18th meeting. –

Unanimous

17. Hearing: W.T. Sports, Inc. d/b/a Legends Sports Pub

Manuel A. Ferreira, Owner/Manager

78 Covell Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations as reported by the City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They are as follows:

Violations: Massachusetts General Laws Chapter 138, sections 63A-

Any person who hinders, delays, refuses to provide information to or refuses to admit entrance to any ABCC investigator or authorized agent of the local licensing authority in the performance of his or her duty ... or who refuses to give such investigator or agent such information as may be required for the proper enforcement of this chapter, may be punished by a fine of \$50.00-\$200.00 or by imprisonment for not more than 2 months or both.

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 No. 11 & 12-

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.

Summary of Officer Report #1

Police Department Incident Report states that an officer was dispatched to St. Luke's Hospital for the report of a male who had walked in with a laceration to the left side of his face and a puncture wound on the left abdomen just below the ribs; upon arrival, the officer was informed by hospital staff that the victim's injuries were serious, and that he was going to be Med flighted to Beth Israel Hospital.

The officer then spoke to the victim's friend who drove him to the hospital, who stated to the officer that the entire incident occurred inside the bar.

Upon completing his investigation at the hospital, the officer then proceeded to Legends Sports Bar where other detectives were already on site reviewing the surveillance tape. Upon entering the establishment, the officer observed blood drops leaving a trail from the area of the pool table that led out the front door into the parking lot, where there were more drops found.

Date and time of alleged violations: Saturday, September 14, 2013 @ approximately 2:16 a.m.

Summary of Officer Report #2

Police Department Incident Report states that officers responded to a disturbance call at 78 Covell Street, where there was an argument between two males who were about to fight; prior to arrival the call was updated, and the caller got the males to go outside. As the officers pulled into the parking lot of Legends, a male came out of the bar to greet us and stated that "Everything was fine and that the males just left" (The male was later identified as Manuel Ferreira, the owner of Legend's)

When Mr. Ferreira was asked by the officers, so there were no problems ... that nothing had occurred?

Mr. Ferreira again stated that everything was fine, and went further to say that he had tried to call back to state that we (the police) were not even needed. With that the call, was cleared, gone on arrival, and all responding units left the area.

The officers returned a short time later to assist with other units which responded there to check for a crime scene. Upon arrival, the officers located some fresh blood drops coming from the entrance of the bar, going down the sidewalk to a parking spot in the lot. Looking through the front window, officers located several small pools of blood on the floor, which were right next to the mop bucket.

Mr. Ferreira was then called to come down to the bar and open it up so the officers could check for evidence from the crime scene, which Mr. Ferreira did a short time later.

Upon arrival, the officer who spoke to Mr. Ferreira earlier asked Mr. Ferreira why he had lied about nothing happening in the bar. Mr. Ferreira stated he didn't, and that he had seen the victim bleeding from the face and thought that he had a bloody nose.

The officer then asked if that was the case then why didn't he mention it, and why had they tried to clean up the blood with the mop and bucket?

Mr. Ferreira did not make any further explanations.

The inside of the bar was checked and there was a trail of blood coming from the far side of the bar and going around the bar and over to the doorway.

It was also noted in the report that someone had tried to clean up the blood as some droplets of blood were partially cleaned up.

Date and time of alleged violations: Saturday, September 14, 2013 @ approximately 1:43 a.m.

Police Report #'s 13 – 10889-OF – (2) Reports)

Present: Manuel A. Ferreira, Owner/Manager along with Ashley Days, Barmaid; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Officer Jesse Branagan, Reporting Officer

Upon being asked by Mr. Nanopoulos if he had received a copy of the 'Meeting 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', Mr. Ferreira stated that he did.

When asked by Mr. Nanopoulos if he wanted him to read the written incident summary contained in the 'Meeting Notice', Mr. Ferreira stated that would not be necessary, and waived the reading of the summary.

Chairman Beauregard informed the licensee that Officer Branagan, who was the Reporting Officer on the incidents was present to read, summarize, or give testimony to what was contained in his 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.

Chairman Beauregard then opened the meeting by asking Officer Branagan to either read or summarize as to what was

contained in his report regarding the stabbing incident.

Officer Branagan proceeded to give his testimony to what was documented in his Police Report regarding the incident that occurred on 09/14/13, and as summarized in 'Incident Summaries'.

When asked by Chairman Beauregard if he had anything he wanted to ask of the Officer or present as a defense regarding this incident, Mr. Ferreira stated, the blood they saw inside was from the bleeding nose ... when the guys started to argue inside ... I told the guys ... if you don't leave I'm going to call the police ... when I grabbed the phone ... the guys started to fight ... the fight occurred while I was on the phone ... which was about 30 to 40 seconds ... and then everybody left.

I didn't see anything else ... nothing ... I saw drops of blood from the guy's nose ... and every night before I close the place ... I wash the bathrooms and I leave the mop right there to wash the floors in the morning because you can't see the floor too good at night time ... and I clean during the day ... every night when I close the place ... I leave the mop right there ... I didn't do it to cover up something ... I didn't try to cover up anything ... I didn't see anything.

Ms. Days then testified, when the situation was happening ... and I had asked the victim to leave ... at that point, I turned around to wait on a customer that I had ... and he had come back in ... and that's when the incident occurred ... at that time Manny wasn't there ... I witnessed it ... when I went to tell Manny what was going on ... he had already grabbed the phone and had gone into the kitchen because of the noise ... by that time, everyone had surrounded the men who were fighting ... I did see the victim go back to the pool table and that's when I saw his face covered with blood ... then everybody scattered ... and Manny was on the phone at the time ... so, Manny was in the back trying to have the conversation ... and that's when I came around the bar and everybody ran out ... during that time the cops were pulling up and Manny walked outside ... and that's when he let them know that everybody just left.

Ms. Days continued her testimony by stating, I don't know if you're familiar with the bar but there's a door that you have to go through to get into the kitchen ... and that's where our phone is ... and that's where Manny was standing ... and directly in front of that door at the corner of my bar ... that's where the fight occurred ... so where he was, he wasn't able to see what was going on ... I witnessed the blood on the face ... I did not witness the stabbing ... I had no idea when we closed that there was a stabbing ... I knew the victim's friend who was with him ... who later on that night around 4 a.m., called to let me know that his friend had been stabbed ... I wasn't aware of that prior ... we had shut the lights off so nobody would enter the bar ... so when they left ... we just thought that there was a fight and argument ... we shut the light off because it was past two o'clock ... we didn't want anyone else to come back into the bar ... and that's when I started to clean up all the drinks that had spilled around that area ... which had been spilled on the floor ... so we had mopped ... which he does every single night ... and then he comes in the morning and cleans up the rest really well ... and then, when he had gotten home ... he got a phone call to come back to the bar ... and was told that he mopped up evidence ... and he didn't even know ... we didn't even talk about it or discuss it when we left because we didn't even know what happened ... then in the morning ... he let me know that a Detective was going to come in on Saturday to have a conversation with me with regards to what happened the night before ... but nobody showed up and I haven't heard from anybody ... nobody gave me a phone call or anything ... but he wasn't aware ... I wasn't aware of that situation (patron being stabbed) either ... I didn't realize that there was a stabbing because there was a whole group of people ... and the second that the cops were here ... everybody was just outside and ran ... and took off ... people left without paying tabs ... and there were a few dried spots of blood ... there was blood around the pool table ... but we didn't realize that it was coming from a wound ... we just thought it was a fight of two grown men.

When asked by Chairman Beauregard, the place is not very big, how did you not witness what was going on, Ms. Day reiterated that she had told the victim to leave and that he had walked out, at which time she went back to waiting on other customers on the other side of the bar but he came back in; and that's when she heard the commotion ... and that's when I went where Manny was on the phone ... I got a far away as possible ... but the fact was ... my bar was full ... so when that happened ... I couldn't see with all the people ... and they were all surrounding ... and the next thing I know ... everybody took the exit to leave ... and that's when he left with his friend ... and that's when I saw his face ... but he didn't fall to the ground ... he was up and walking ... he walked right out.

When asked by Commissioner Almeida, how close were you to the victim, Ms. Days got up and showed the distance which was about 15 ft. from where she was.

When asked by Commissioner Almeida, where did you see the blood on him, Ms. Days stated that she saw it all over his face.

When asked by Chairman Beauregard if they had video surveillance, Mr. Ferreira stated that ones outside were the only ones working, the ones inside weren't working because of a bad connection but he's since replaced them with new ones.

Officer Branagan confirmed that the cameras inside weren't operational and that the camera outside worked but it wasn't much help.

When asked by Commissioner Craig if she had told Mr. Ferreira of what she had seen when the victim was leaving with regard to the blood, Ms. Days responded, no, Manny had gone outside ... and that's when I was cleaning ... and he was very nervous and quiet.

When asked by Commissioner Craig as to why he was so nervous and quiet, Ms. Days responded, because he doesn't like to be involved in stuff like that ... he just got nervous because of the fight ... he doesn't have problems at his bar.

When asked by Commissioner Almeida as to how close he got to the victim, Mr. Ferreira responded, that he didn't see the fight start because he went in back to call the police.

When asked by Commissioner Almeida as to where the fight started, Ms. Days responded that the fight started right at the corner of her bar, but she didn't see the fight start because she had turned around with her back to where the fight started, and that's where Manny saw one of the guys take a swing at the other guy; and that's when he left and grabbed the phone to call the police; and he (Manny) witnessed him swing first.

Responding to Ms. Days' comments, Commissioner Almeida asked Mr. Ferreira, so you knew something happened there that day, Mr. Ferreira responded, I know because I saw blood on the floor ... I saw the guy start a fight with him and that's when I called the cops.

When asked by Commissioner Almeida, so you saw the fight, Mr. Ferreira responded, I saw the fight, that's why I called the cops.

Responding to Mr. Ferreira's comments, Commissioner Almeida asked, if you saw the fight, why did you tell the Police Officer, nothing happened, to which Mr. Ferreira responded, no ... no ... I told them that there was a fight.

Commissioner Almeida then asked Officer Branagan, when you went back the second time ... didn't he say nothing happened, to which reading from the report, Chairman Beaugard stated that Mr. Ferreira stated that there were no problems and nothing had occurred.

Mr. Ferreira responded, I had no problem because everyone had left ... I had no more problems.

Chairman Beaugard responded, according to the report, you stated that nothing had occurred but something did occur and that you were aware that something did occur.

Mr. Ferreira responded, I did report that there was a fight, to which Commissioner Almeida responded, reporting that there was a fight is fine but there was blood in there.

Mr. Ferreira stated that he thought it was from the face or the nose, and that he didn't know that he was stabbed.

Commissioner Almeida responded, even if you didn't know that he had been stabbed, the gash he had on his face which you did see, that's serious stuff, that's not just a bloody nose.

When asked by Chairman Beaugard if he had anything else that he wanted to present in his defense, Mr. Ferreira stated that he did not.

Prior to making his motion, Commissioner Almeida stated, because you stated to the Officer that nothing had happened, when in fact something did happen, which you knew did happen, and because you also tried to conceal from the police that something did occur, I'm going to make motion that we suspend your license.

VOTED: Commissioner Almeida made a motion based on the evidence presented that the licensee violated 204 CMR 2.05 (2)-Permitting an illegality to occur on the licensed premises, **to suspend the General on Premise license for a period of seven (7) days with three (3) to serve (11/18/13 – 11/20/13), and four (4) days held in abeyance for one year providing no additional violations occur;** and to place the establishment on one (1) year probation. **(11/01/13 – 11/01/14) – Unanimous**

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.

Note: **Licensing Board's Written Decision Dated 10/29/13**

Based on the testimony of the Reporting Officer, the Board 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 the licensee was less than forthcoming about what had occurred when questioned by the police in an effort to conceal what transpired on the premises.

Tabled at 09/23/13 Meeting

18. Meeting: Almost Brothers, Inc. d/b/a

Hibernia Pub

Barry Flynn, Manager

109 William Street

Your presence is requested at a meeting to review numerous complaints (referenced below) as it pertains to late night disturbances as well as public safety issues. The reports indicate that patrons are leaving your establishment in a highly intoxicated state and being excessively noisy and unruly which has resulted in several altercations on or about the premises. There is also some indication in the reports that you as the licensee have failed to provide the required staff for crowd control for the safety of your patrons.

As a result of these complaints, the Board is requesting that you submit a written security plan to this office **by Thursday,**

September 19, 2013, which will be reviewed by this Board and the New Bedford Police Department at said meeting. The Board will also like to take this opportunity to review with you the following ABCC Regulation, and Licensing Board Rules and Regulations:

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 No. 10, 11, 12-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive hilarity, noise, crowds and objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule. Premises must at all times be kept safe....

Ref. # 13-6934-OF – 06/22/13 @ 1:55 a.m.

(Late Night Disturbance/Excessive Crowds/Lack of Crowd Control)

Ref. # 13-6983-OF – 06/23/13 @ 2:01 a.m.

(Late Night Disturbance/Excessive Crowds/Lack of Crowd Control)

Ref. # 13-7545-OF – 07/05/13 @ 2:01 a.m.

(Fight/Late Night Disturbance/Excessive Crowds/Lack of Crowd Control)

Ref. # 13-7656-OF – 07/07/13 @ 2:08 a.m.

(Fight/Late Night Disturbance/Excessive Crowds/Lack of Crowd Control)

Ref. # 13-8004-OF – 07/14/13 @ 1:45 a.m.

(Late Night Disturbance/Intoxicated Persons/Excessive Crowds/Lack of Crowd Control)

Ref. # 13-2369-AR – 07/14/13 @ 1:45 a.m.

(Arrest of Patron for Disorderly Conduct//Intoxicated Persons/Excessive Crowds/Lack of Crowd Control)

Ref. # 13-2370-AR – 07/14/13 @ 1:45 a.m.

(Intoxicated Person Placed in Protective Custody)

Ref. # 13-2371-AR – 07/14/13 @ 1:45 a.m.

(Intoxicated Person Placed in Protective Custody)

Ref. # 13-2372-AR – 07/14/13 @ 1:45 a.m.

(Intoxicated Person Placed in Protective Custody)

Ref. # 13-3000 – AR/# 13-3001 – AR/# 13-3002 – AR - 08/25/13 @ 2:06 a.m. (Added 09/23/13)

(Fight In Progress)

Action Taken: After discussing the matter with Capt. Vicente, the Board instructed Mr. Nanopoulos to notify Mr. Flynn that the matter would be on the November 18th agenda, and that the matter would be taken up at that time; with a request that a written ‘security plan’ be submitted to the Board prior to the meeting to give the Board an opportunity to review it.

• **CORRESPONDENCE,**

From: Kim S. Gainsboro, ABCC Chairman

Dated – 09/20/13 Received – 09/26/13

Re: MWTP Restaurant Ventures, Inc. d/b/a Davy’s Locker

1480 East Rodney French Boulevard

Hearing Date: Thursday, October 31, 2013 @ 10:30 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 138, sec. 64, **Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 151A sec.14.**

DUA (Unemployment Insurance)

ACTION TAKEN: Received & Placed on File.

From: Atty. Christopher Saunders.

Dated – 10/08/13 Received – 10/08/13

Re: Dublins Sports Bar N Grille, LLC d/b/a Dublins Sports Bar

1686 Acushnet Avenue

Kindly accept this letter as a formal request for an appeal in accordance with M.G.L. Ch. 138, sec. 67, of the decision rendered by the Licensing Board of the City of New Bedford for suspending the license of above referenced licensee and rolling back the hours; with a request that the suspension and roll back be stayed pending the outcome of the appeal.

LATE FILE

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. Hibernia Pub	#13 – 11849 – OF	10/06/13	Patron Assaulted Outside Of Premises (Approximate Time of Violation 2:00 a.m.)

Decision: Receive & Place on File (No Violation)

2. Southside Annie’s	#13 – 11520 – OF #13 – 11521 – OF #13 – 3411 – AR	09/28/13	Fight Outside Of Premises (Approximate Time of Violation 4:26 p.m.)
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Decision: Receive & Place on File with a Warning Letter

3. Southside Annie’s	#13 – 11683 – OF	09/28/13	Patron Assaulted Outside Of Premises (Approximate Time of Violation 2:00 p.m.)
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Decision: Receive & Place on File with a Warning Letter

4. Dublin’s Sports Bar	#13 – 3680 – AR	10/19/13	Disturbance/Fight “After Hours Party” (Approximate Time of Violation 2:40 a.m.)
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LATE FILE

Decision: Receive & Place on File (No Violation)

- **LICENSE HOLDERS IN TAX TITLE – For Review Only (A/O 11/15/13)**

Common Victuallers (Restaurants)

Brain Freeze Ice Cream (South Coast Laundry, Inc. d/b/a)-Plot# 119--58-----582,271.14 – *No Agreement*
 Chocolate Com Pimerta (Jose J. DaCosta d/b/a)-Plot# 92-70-----\$308.90 – *No Agreement*
 Homlyke Bakery (Homlyke Bakery Southcoast, Inc.-Plot# 127-D-128-----\$29,940.03 – *No Agreement*
 Shawmut Diner (Andros Island, Inc. d/b/a)-Plot# 95-233-----\$23,760.92 – *Agreement/Non-Compliant*
 Shawmut Diner (Andros Island, Inc. d/b/a)-Plot# 95-303-----\$13,109.82 - *Agreement/Non-Compliant*

\$649,390.81

Class II (Used Car Dealer)

Capitol Motors (Ronald Moura d/b/a)-Plot# 23-219-----\$8,688.70 – *2013 Agreement Not Signed*
 Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-Plot# 13-138-----\$4,911.43 – *No Agreement*
 Lima’s Garage & Auto Body, Inc.-Plot# 97-147-----\$13,923.39 - *Agreement/Non-Compliant*
 Oliver Used Auto Sales & Repairs (Itamar C. Oliveira d/b/a)-Plot# 102-121-----\$2,073.89 – *No Agreement*
 Washington Square Auto Sales (Lee Transportation Corp. d/b/a)-Plot# 36-224--\$1,612.26 – *Agreement/Compliant*
 (?)

\$31,209.67

Liquor Licenses

Common Victualler AA (Restaurants)

Chuck’s China Inn (Luk & Chen, Inc. d/b/a)-Plot# 111-21-----\$274.88 – *No Agreement*

Danny's Seafood Restaurant (Norway Café, Inc. d/b/a)-Plot# 108-13-----\$18,414.43 – *Agreement/Compliant*
 Incognito (Anthsand, Inc. d/b/a)-Plot# 104-114-----\$5,334.33 – *No Agreement*
 Jalice Café, Inc.-Plot# 99-3-----\$9,392.60 – *Agreement/Non-Compliant*
 LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-148-----\$2,783.81 – *Agreement/Compliant*
 LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-151-----\$6,945.63 – *Agreement/Compliant*
 Me & Ed's Restaurant, Inc.-Plot# 5--7-----\$12,237.22 – *Agreement/Non-Compliant*
 Me & Ed's Restaurant, Inc.-Plot# 4-29-----\$7,920.52 – *Agreement/Non-Compliant*
 Me & Ed's Restaurant, Inc.-Plot# 4-51-----\$12,899.25 – *Agreement/Non-Compliant*
 Mikey B's (Mikey B's, Inc. d/b/a)-Plot# 130-D-139-----\$644,233.56 – *Agreement/Compliant*
 The Pub (Ferdade, Inc. d/b/a)-Plot# 93—240-----\$7,218.02 – *No Agreement*
 The Symposium, LLC-Plot# 123-A-237-----\$5,631.72 – *No Agreement*

\$733,285.97

Common Victualler Wine & Malt Only (7 Days)

The Boat (Lemieux Enterprises, Inc. d/b/a)-Plot#127-D-141-----\$9,035.15 – *No Agreement*
 The Celtic Coffee House (Celtic Coffee House, LLC d/b/a)-Plot#53--180-----\$9,143.17 – *No Agreement*
 The Celtic Coffee House (Celtic Coffee House, LLC d/b/a)-Plot#53--144-----\$19,817.53 – *No Agreement*

\$37,995.85

Clubs AA

New Bedford Lodge No. 73 – BPO Elks.-Plot#46--86-----\$14,119.55 – *No Agreement*
 The Bisca Tournament Club, Inc.-Plot#37-3-----\$4,313.06 – *Agreement/Non-Compliant*
 The Bisca Tournament Club, Inc.-Plot#37-322-----\$5,226.02 – *Agreement/Non-Compliant*
 The New Cape Verdean Ultramarine Band Club, Inc.-Plot#42-183-----\$12,034.23 – *Agreement/Non-Compliant*
 Whaling City Club, Inc.-Plot#104-164-----\$1,437.748 – *Agreement/Compliant*

\$37,130.60

Retail Package Store W & M

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

\$16,820.11

Outstanding Owed = \$1,505,293.01

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.)

****Referred to the Planning Board 07/24/12, per Jill Maclean, Acting City Planner****

ACTION TAKEN: Bring In For Hearing – 11/18/13

- **NEXT TWO (2) MEETING DATES:** November 18th & December 16th - **Approved**
- **MEETING ADJOURNED:** 8:20 p.m.