



Licensing Board

March 24, 2014 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 120

****View Minutes****

LICENSING BOARD MEETING

-AGENDA-

Monday, March 24, 2014
Ashley Room (120) – 7:00 p.m.

REQUIRED: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

A/O 03/19/14

Edmund F. Craig, Jr., Commissioner

Atty. John Flor, Asst. City Solicitor

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

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF FEBRUARY 24, 2014

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager - Trans. # 095 – Plot # 106--137

Clube Ponta Delgada, Inc., 61-65 Madeira Avenue, is requesting the approval of Walter Gibau, Jr. who resides at 483 Kempton Street, New Bedford, MA. as their new manager.

Approved By ABCC – 02/26/14

Change of Officer, Directors, & d/b/a - Trans. # 036 – Plot # 126—65

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.

Approved By ABCC – 02/26/14

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager - Trans. # 077 – Plot # 53--195

The Pequod, Inc. d/b/a Rose Alley ale House, 94 Front Street, is requesting the approval of Darbie Martins, who resides at 63 County Street, New Bedford, MA. as their new manager.

Disapproved By ABCC – 03/04/14 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

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

Transfer of License - Trans. # 204 – Plot # 17--181

ALA & MALI, LLC d/b/a MM Convenience, Mohammad M. Alam, Managing Member, who is petitioning to transfer a Retail Package Store Wine & Malt Only Beverages License to ALA, LLC d/b/a MM Convenience. Upon approval, Mohammad M. Alam will be the Manager of the LLC and Co-Interest Holder (75%), and MD. Mashum Sarker will be a member of the LLC and a Co-Interest Holder (25%); and Mohammad M. Alam is also the Proposed New Manager of the Liquor License. Premises will remain the same at 30 Rockdale Avenue.

“Return No Action” – 03/11/14 – Request for ‘Certificate of Good Standing’ from the DOR has not been

received from applicant. – 1st Attempt

The Application will be sent back to the ABCC ‘For Reconsideration’ only upon receipt of a ‘Certificate of Good Standing’ from the DOR.

1. PETITION - Trans. # 053 – Plot # 85--62 (No Representation Required)

Endzone Sports Pub, Inc., Manuel R. DeMelo, President, who is requesting a **Change of Officers, Director, (New) Stockholder, and the Transfer of Corporate Stock** of the **Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the President, Treasurer, and Secretary; and allow the Transfer of all his Corporate Stock (100%). Upon approval, Troy M. DeMelo will be the President, Secretary, Co-Director, and Co-Shareholder (50%), Ryan S. DeMelo will be the Treasurer, Co-Director, and Co-Shareholder (50%), and Manuel R. DeMelo will remain as a Co-Director; and **Troy DeMelo** will remain as the **Manager**. **Premises will remain the same at 218 Coggeshall Street.**

Application has been advertised.

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

St. Michael Social Club, Inc., 101 Madeira Avenue, is requesting the approval of **Albert Cardoso** who resides at **1068 Bowles Street, New Bedford, MA.** as **their new manager**.

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

New Bedford Sports Club, Inc., 1792 Acushnet Avenue, is requesting the approval of **Luis Vieira** who resides at **76 Mt. Pleasant Street, New Bedford, MA.** as **their new manager**.

4. PETITION - Trans. #225 – Plot # 35--48

Allen Street Convenience, Inc., Jose A. Raposo, President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Jose A. Raposo** is the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and **Proposed Manager**. The proposed licensed premises is a convenience store located on the 1st floor of a two-story building in an area approximately 840 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers (3) and shelving for the sale and display of alcohol; the area also includes an office, a storage room, and one restroom. Alcohol will also be stored in the basement. There is one (1) entrance/exit in the front of the building, as well as one exit located at the rear of the building. The premise is situated on the southeast corner of Allen and Oak Streets, **and numbered 282 Allen Street**.

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

Application has been advertised; Abutters have been notified.

5. PETITION - Trans. #124 – Plot # 78--98

1846 Bar & Grille, Inc., Manuel D. McLean, President, license formerly exercised on premises located at **1846 Purchase Street**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Black Whale, LLC d/b/a Black Whale, which was acquired through a Public Auction Sale on 10/30/12**. Upon approval, Alberto J. Santos will be the Sole Member, Sole Manager, and Sole Interest Holder of the LLC; **Albert J. Santos** is also the **Proposed Manager of the Liquor License**. The new proposed licensed premises consist of an area approximately 4,266 sq. ft. on the first floor of a one-story building, which will include a dining area and bar area, which will have an occupancy of 150, and a kitchen, and two handicapped restrooms; which will have one main entrance/exit on the north side of the building onto Co-Op Wharf, and an emergency exit located on the northwest corner of the building. The licensed premises will also include a raised outdoor patio area approximately 3,280 sq. ft., which will be contiguous to the main dining area on the east side of the building; which will include a dining area and bar area with an occupancy of 180, and will be located on the east side of the building with two entrances/exits into the main restaurant area, along with a handicap ramp adjacent to the main entrance. There will also be an area for the storage of alcohol in the basement. The premises is situated on Co-Op Wharf, and **numbered 104-106 Co-Op Wharf**.

Final approval will require a **‘Certificate of Inspection’** from the Building Department, a **‘Food Permit’** from the Health Department, and a signed **‘Fire & Building Certificate’** as required under the Chapter 304 Fire Acts

Compliance; along with a copy of 'Proof of Liquor Liability'.
Application has been advertised; Abutters have been notified.

6. APPLICATION, Representation Required

Cinco De Mayo Celebration Committee, Javier Rojas, Representative, who is requesting pre-approval of an application for a **Special One Day All Alcohol Beverages License**, for their '**8th Cinco De Mayo Celebration**', to be held '**on Rivet Street**' between **Acushnet Avenue and South Second Street**; and to be held on **Saturday, May 3, 2014**, from **12:00 p.m. until 11:00 p.m. (Last call at 10:30 p.m.)** (*Liquor Liability with the City named as additional insured on certificate is required/along w/Copy of the Police Detail Contract*)

Note: Previous events licensed for Wine & Malt only.

7. APPLICATION, (No Representation Required)

IPMA/Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '**V.I.P. Performance Reception**', to be held within the **Zeiterion Theatre Penler Space**, located at **686 Purchase Street**; and to be held on **Saturday, March 22, 2014** from **5:00 p.m. until 11:00 p.m.**

8. APPLICATION, (No Representation Required)

NBSO/Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '**Performance Reception**', to be held within the **Zeiterion Theatre Penler Space**, located at **686 Purchase Street**; and to be held on **Saturday, April 12, 2014** from **5:00 p.m. until 11:30 p.m.**

9. APPLICATION, (No Representation Required)

New Bedford Area Chamber of Commerce, Amie E. Vieira, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '**Business After Hours Event**', to be held the **Bay Coast Bank**, located at **95 William Street**; and to be held on **Wednesday, April 16, 2014** from **5:00 p.m. until 7:00 p.m.**

10. APPLICATION, (No Representation Required)

NBSO/Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '**Performance Reception**', to be held within the **Zeiterion Theatre Penler Space**, located at **686 Purchase Street**; and to be held on **Saturday, May 10, 2014** from **5:00 p.m. until 11:30 p.m.**

11. APPLICATION, (No Representation Required)

Prince Henry Society, William Viveiros, Representative requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a '**Wine & Food Tasting**', to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, May 10, 2014**, from **6:30 p.m. until 10:00 p.m.**

12. APPLICATION, (No Representation Required)

Pursuit for Courage, Jeffrey Costa, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '**2nd Annual Pursuit for Courage Regatta Fundraiser to Benefit the Wounded Warriors Project**', to be held at **Marine Park on Pope's Island (under a tent)**; and to be held on **Saturday, June 28, 2014**, from **5:00 p.m. until 11:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)**

Minutes 06/26/13 – "No Changes"

Present: *Jeffrey Costa, Applicant*

Responding to questions from Chairman Beauregard, Mr. Costa stated that CV Variety would be providing and serving the alcohol for the event, which will be held under a tent in Marine Park; he also stated that there would be one entry point where I.D.'s will be checked and wristbands will be issued. He also stated that there would be two Detail Officers present.

Tabled at 02/24/14 Meeting

13. Hearing: Capitol Motors

Ronald Moura, Licensee

384 Dartmouth Street

The City of New Bedford Treasurer/Collector of Taxes has requested that the Licensing Board hold a hearing for revocation of your MV Class II license due to non-payment of personal property taxes, based on your neglect or refusal to pay your local property tax to the City of New Bedford by January 1, 2014, as previously notified. All Licensees must be in compliance for renewals of all Class II licenses.

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

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

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

Minutes of 02/24/14 Hearing

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

Chairman Beauregard opened the hearing by first recognizing Atty. Bailey for an update of the current status of Mr. Moura's tax title issues.

Atty. Bailey stated, as we do every year ... I had a conversation with Nick on various individuals ... who are repeat offenders on these kind of things ... Nick and I share a little of a frustration level on these issues, as I know the Chair does as well as the Board ... given Mr. Moura's situation ... and the fact that he did make a pretty good effort last year to getting up to date with us ... I think he made two payments I believe on the payment plan ... he's trying to resolve his father's estate as to the property ... I talked to the Treasurer ... and the Treasurer is willing to give him one more shot ... however, he needs to come up with approximately \$5,000.00 that would pay him up to date this year for the first three quarters of fiscal year '14' ... and 25% of the current tax title amount ... and the remainder would be in a payment plan over 4 or 5 years ... I explained to Mr. Moura and emphasized that the payment plans require not only the monthly payments ... but you have to stay current ... you cannot wait to pay the ongoing year ... that's why he has to pay the money that's already due (3 quarters) ... I'm not entirely convinced that we were not going to be back here having the same conversation that we've had with multiple people ... he's always been good to work with and talk to ... and he's always come up with the money when we've asked for it ... and the Treasurer has expressed her willingness to give him this one last shot with a payment plan one more time ... I'm not going to call her on it ... but I hope he understands where we are with this.

When asked by Chairman Beauregard, what are your plans, Mr. Moura responded, my plan is to give her the money that she needs, and then she's going to tell me how much she wants per month by the 15th of next month (March); at which point I'll come in and renew my license, that's all I can do.

When asked by Chairman Beauregard if he will have the funds to pay whatever amount is required, Mr. Moura responded, I'll have it on the first of the month ... that's when the money comes in ... and that's why I have to wait until the 15th to make the payment.

When asked by Chairman Beauregard, and from that point you'll stay current, Mr. Moura responded, yes, and explained that he had a problem this year because he was hospitalized for a period of time.

Atty. Bailey responded to Mr. Moura's health issues by stating, if you have any health problems or any other type of problems that would prevent you from complying with our agreement, you need to call us.

VOTED: Commissioner Almeida made a motion to table the matter, until the Board's March 24, 2014 meeting with no further action taken, only if, the agreed amount is paid and a signed agreement on the balance is signed by Mr. Moura. – **Unanimous**

14. Hearing: United Fisherman’s Club, Inc.

Jack Custodio, Manager
639 Orchard Street

You are hereby notified that **your presence** and that of the **Club’s Bookkeeper** is required at a hearing to determine whether you have violated certain provisions of M.G.L. Ch. 138, sec. 64-Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 138, sec. 12 & 26, as follows:

1. An application must be filed to obtain approval from the local licensing authority and the ABCC for a Change (New) of Officers and Directors.
2. 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.

As well as your failure to comply with the requirements set by this Board with regard to hall rentals and special events, which require the filing of a ‘Hall Rental Agreement’ for all events held in your hall, as well as applying for police details in the club’s name; these conditions were reviewed with you at this Board’s November 18, 2013 meeting, at which time Atty. (Christopher) Markey stated the following on your behalf:

“He is under the understanding of the probation requirements and the bookkeeper is as well, that they are to notify the Director as to who is renting out the hall ... and providing that information to the Board ... as well as the need to hire a police detail every time it’s rented out. Mr. Custodio knows of those conditions ... he understands that he can’t have a promoter come in and do that ... so he’s fully aware of that ... he’s fully aware that he’s put the Director on notice as to who is coming in for what purposes of renting out the facility.”
Please be advised that your failure to appear before this Board as requested may result in the suspension of your General on Premise All Alcoholic Beverages License until compliance is met.

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

Mario Gomes, Owner/Manager
1686 Acushnet Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations and Licensing Board Rules and Regulations as reported by the N. B. Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 11 & 12-

Excessive 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.

Licensing Board Regulation #19-

Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15

a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

Summary of Incident Report - #1

Officers were dispatched to Dublins Sports Bar N Grille at approximately 1:56 a.m. for a fight possibly involving knives. Upon arrival, the Officers did not find any evidence of a fight but were informed by a male in the parking lot that there was an argument between a few girls but they left, and he did not see any knives. The Officers looked inside the bar and saw 2-3 bartenders cleaning the bar area, but being unable to locate the fight or any victims, the call was cleared.

At approximately 2:06 a.m., a call came in from St. Luke's Hospital stating that two males came in by private auto due to be being stabbed at a bar in the downtown area, at which point downtown units were dispatched to the hospital, upon arrival it was determined that the victims came from Dublins Sports Bar N Grille, located at 1686 Acushnet Avenue.

The reporting officers, who were dispatched earlier to this location for a fight possibly involving knives, were then dispatched to St. Luke's Hospital along with officers. Prior to returning to St. Luke's Hospital, the reporting officers, returned to Dublins to attempt to locate a crime scene. Upon arrival, the officers saw several bartenders as well as several customers sitting at the bar; it was noted in the report that they arrived at approximately 2:30 a.m. and the bar was closed (A separate Police Report (#14-1366-OF) was filed with regard to customers being present on the premises after hours.) The officers then spoke with Mario Gomes, who's the owner and manager of Dublins, and informed him that there were two people at St. Luke's Hospital with possible serious injuries stemming from a fight that occurred at the bar. As the officers spoke to Mr. Gomes, he appeared nervous as he stated that a group of girls got into a fight and they were "pushed outside" because it was closing time.

When asked to view the security footage, Mr. Gomes stated that the cameras were down at this time because he hadn't gotten around to fixing them. The officers, being unable to locate a crime scene either inside or outside, then proceeded to St. Luke's Hospital.

Upon arrival, the officers were informed that there were three victims, of which two had been stabbed, and one had a wound to his left ear. The officers then spoke to all those involved that were present at the hospital including one of the stabbing victims, who stated that a fight broke out inside Dublins between a group of girls by the pool table; and that he broke up the fight and ended up outside of the bar with the rest of the group. When he was outside, he realized that he had been stabbed but could not say if the stabbing occurred inside or outside.

Date and time of alleged violations: Monday, February 3, 2014 @ approximately 2:06 a.m. – Police Report # 14-1365-OF

Summary of Incident Report - #2

At approximately 2:35 a.m., officers arrived at Dublins to see if they could locate a crime scene there regarding a reported stabbing incident that allegedly occurred at this location, as summarized in Incident Summary #1.

Upon arrival, the officers observed through the front plate glass window five males (non-workers of Dublins) sitting at the bar and consuming some beverage, as well as two females (Dublins workers) behind the bar and cleaning up. The outside doors were locked, so the officers banged on the door and illuminated their flash lights so that they could get someone to open the door for them. A male, who I.D.'d himself as the owner (Mario Gomes) opened the door and asked what we wanted.

When asked by the officers what happened inside his establishment, Mr. Gomes stated that nothing had happened.

The officers then went over to the bar where the five males were seated and consuming some beverages, and asked them if they were workers of Dublins, they stated that they were not, and that they were waiting for the females to finish; they were then asked to leave.

The officers then continued to look for any signs of blood or anything else indicating that a crime was committed; while searching, the officers observed broken glass in several locations on the floor.

When asked why there was broken glass on the floor, Mr. Gomes responded that someone dropped a glass on the floor. When asked if he had green glasses, Mr. Gomes responded that he did not. It was at this time, after

being asked by the officer, as to why was there green glass on the floor if he did not have any green drinking glasses, Mr. Gomes stated that there were females fighting inside near the pool table; and added that he had had everybody that was fighting thrown outside in the parking lot. When asked by the officer, as to why he didn't call the police when they were fighting inside, Mr. Gomes responded that he did (unknown if he did or not). When the officers asked if the cameras were working, Mr. Gomes stated that they haven't been working for sometime, and added that the cameras were dummies to keep an eye on the registers as a deterrent.

Date and time of alleged violations: Monday, February 3, 2014 @ approximately 2:35 a.m. - Police Report # 14-1366-OF

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

Note: This incident occurred three (3) days after having their license with full operating hours returned back to them, after serving a period of three (3) months with reduced hours (midnight closing). The licensee is currently on probation through 12/16/14; with two separate suspensions of fourteen (14) days and three (3) days for a total of seventeen (17) days being held in abeyance for previous violations, as well as a period three (3) months with reduced hours (midnight closing) also being held in abeyance for a previous violation.

16. Hearing: Dublins Sports Bar N Grille, LLC d/b/a Dublins Sports Bar N Grille
Mario Gomes, Owner/Manager
1686 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 an incident 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 -)

17. Hearing: Tropicana Bar & Grille, Inc.
Maria Barbosa, Manager/Co-Owner
1700 Purchase Street

Your presence and that of **Miguel Barbosa, Co-Owner**, is requested at a hearing to to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations, as reported to 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 officers responded to two separate incidents on the same night at the Tropicana Bar and Grill, located at 1700 Purchase Street.

The first incident, which occurred at approximately 12:21 a.m., resulted in two patrons being placed in protective custody, as a result of an incident involving a fight in progress from inside the bar itself.

The second incident, which occurred at approximately 2:10 a.m., at which officers were dispatched once again to this location on a call of a disturbance involving a large crowd.

The Reporting Officer who had responded to the earlier call and who had just finished booking the two males arrested earlier into protective custody, once again responded to the call to show a presence at the bar's location and try to prevent any further issues; and as a result of noting earlier that the amount of vehicles parked outside of this bar on a Sunday night was more than the usual crowd he would see on these nights.

Upon arriving back into the area, he was immediately flagged down by a female who was yelling and screaming in the middle of the road stating, "The owner hit me and pushed me!" As he spoke to the female who continued to rant and scream about her alleged incident with the club owner, he noticed a significant crowd of 40-50 plus patrons were making their way out of the bar, and were now dressing the street and the sidewalks.

The officer stated that he was then approached by another female and her mother, who stated that she had been pushed to the ground by a club worker inside the bar and had injured her knee, at which point she pointed to small spots of blood noticeable through her pants and left knee area.

As the officer attempted to secure the area, all three women became more irate and started yelling and screaming more excessively; the situation required the officer to call for assistance to assist with the control and dispersion of the crowd.

Upon entering the bar, the officers spoke to Mr. (Miguel) Barbosa who stated that he was clearing out the crowd for the night when these incidents took place. The bartender (name unknown) stated that she did see a male, (who did not work there) "hit a female" but that she didn't know who he was, and that it was her first night working as a bartender there.

The officers then brought in both females to see if they could identify the person who hit them, one of the females could not identify anyone as a suspect inside the bar; but the other women, after more than five minutes with the officers in the bar, identified the owner of the bar as the person who assaulted her. When asked if this occurred while attempting to clear the bar, she did not respond.

A male patron was also placed into protective custody, after being hit with a taser by one of the officers, as a result of becoming objectionable and refusing to obey police, as they attempted to clear the area.

Date and time of alleged violations: Monday, February 17, 2014 @ approx. 2:10 a.m. - Police Report #'s 14-1911-OF

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

18. Hearing: Tropicana Bar & Grille, Inc.

Maria Barbosa, Manager/Co-Owner
1700 Purchase Street

Your presence and that of **Miguel Barbosa, Co-Owner**, 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 -)

- **CORRESPONDENCE,**

From: Kim S. Gainsboro, ABCC Chairman

Dated – 02/19/14

Received – 02/26/14

Re: Madeira Café, Inc.

70-76

Church Street

Re-Scheduled Hearing Date: Thursday, February 27, 2014 @ 10:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 138, sec. 64, **Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 151A sec.14.**

DUA (Unemployment Insurance) CONTINUED FROM 11/21/13

CANCELLATION OF HEARING: The ABCC is in receipt of a letter from the Department of Unemployment Assistance dated 02/19/14, withdrawing their request for a hearing that was scheduled to be held on 02/27/14. This Commission will take no further action regarding this canceled hearing.

- **COMPLAINTS RECEIVED:**

03/10/14 – Private A. Poirier Post #3260, 281 Appleton Street– A forwarded written complaint from the Mayor’s Office from a neighbor regarding unruly patrons. The complaints included issues regarding late night disturbances, the reviving of engines, littering, swearing, and loud patrons. The neighbor also stated that after informing the post commander, the situation actually got worse, due to an employee allegedly driving by, and holding down on his horn on his way to and from work, no matter what time it is

Action Taken - (03/10/14): Complaint was forwarded to Capt. Steven Vicente, Liaison to the Licensing Board, with a request for a Police Log.

03/17/14 – Society of Senhor Da Pedra Club, 81 Tinkham Street– A complaint was forwarded from the City Council Office that was filed by residents of the area, complaining of people hanging outside in the back of the club. Their complaints include the use of vulgar language by loud and noisy patrons who are outside smoking or just hanging out, which can be heard by the neighbors in their houses and yards; it has also been noted that many of these individuals appear to be intoxicated.

These disturbances are occurring both during the daytime and nighttime hours, and generally on weekends, although there have been some complaints of this occurring during the week.

Action Taken - (03/18/14): A warning letter was sent to the manager of the club advising him of the complaint, and strongly recommending that he ask his patrons to be respectful of the neighbors; and to ask them to either gather to smoke on the sides of the building or in the front of the building, thereby increasing the buffer between themselves and the neighbors.

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

NAME

POLICE REPORT#

DATE

VIOLATION

---NONE---

- **Upcoming Summer Events & Festivals**

- **Charles W. Morgan New Bedford Homecoming – 06/28/14 – 07/06/14 (April Meeting)**

- **Summer Concert Series** – July thru Sept.
(April Meeting)
 - **Day of Portugal** – June 6th, 7th, & 8th
(April Meeting)
 - **Irmandade Do Divino Espirito Santo Do Pico** – June 27th, 28th, & 29th
(April Meeting)
 - **Cape Verdean Day Parade** – July 5th
(May Meeting)
 - **New Bedford Summerfest** – July 4th, 5th, & 6th
(May Meeting)
 - **Feast of the Blessed Sacrament (Madeira Feast)** – July 31st, Aug. 1st,
2nd & 3rd
(June Meeting)
- **Common Victualler Wine & Malt License “Lottery” – 04/22/14 – 6:30 p.m. in Room 120 (Ashley Room)**
 - **NEXT TWO MEETING DATES: April 22nd (Tuesday) & May 19th both in the Ashley Room - 120**
 - **MEETING ADJOURNED:**