



## Licensing Board

October 20, 2014 – 7:00 PM – **Agenda**  
City Hall, 133 William Street, Room 120

**LICENSING BOARD MEETING**

**-AGENDA-**

**Monday, October 20, 2014**

**Room 120 (Ashley Room) – 7:00 p.m.**

**REQUIRED: Steven A. Beauregard, Chairman**

**Marcelino “Sonny” G. Almeida, Commissioner**

**A/O 10/15/14**

**Edmund F. Craig, Jr., Commissioner**

**Atty. John A. Markey, Jr., Asst. City Solicitor**

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

**Nick Nanopoulos, Director**

**APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**Change of Stockholders, & Transfer of Stock; and Addition of d/b/a - Trans. #058 – Plot # 24—325**

**O’Escondidinho, Inc., Renee Y. Sebastion, President**, who is requesting a **Change of (New) Stockholder and Transfer of Corporate Stock** of the **Common Victualler (Restaurant) All Alcoholic Beverages License**. **Paulo Oliveira** is petitioning to allow the transfer of all his corporate shares (60) to **Joe J. Sebastion (New Stockholder)**; along with the transfer of forty (40) shares of corporate stock held by **Renee Y. Sebastion** to **Joe E. Sebastion**; the licensee is also requesting approval of the **addition of the proposed d/b/a of Sebastion’s Café & Sports Bar**. Upon approval, **Renee Y. Sebastion** will remain as the **President, Secretary, Treasurer, Sole Director, and Co-Shareholder (100)**; and **Joe J. Sebastion** will be a **Co-Shareholder (100)**. **Renee Y. Sebastion** will remain as **Manager**. Premises will remain the same at **110-114 County Street**.

**Approved By ABCC – 09/23/14**

**Transfer & Pledge of License - Trans. #166 – Plot # 110--243**

**Jofria, Inc. d/b/a Brooklawn Liquors, Jorge M. Frias, President**, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License** to **MUSKAN, LLC d/b/a Brooklawn Liquors**; the applicant is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License** to **Rockland Trust Company, 288 Union Street, N.B., MA**. as security to authorize and execute a promissory note in the amount of **One Hundred and Five Thousand Dollars (\$105, 000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**.

Upon approval, **Natwarbhai Madhavlal** will be the **Sole Member and Manager** of the LLC; and **Natwarbhai Madhavlal** is also the **Proposed New Manager**. The previously approved premise consists of one room in an area approximately 1,968 sq. ft. with one walk-in cooler and shelving for the display of alcohol on the first floor of a one-story building with a rear stockroom. The premise, which is situated on the southeast corner of **Ashley Boulevard and Clifford Street**, will remain the same at **496 Ashley Boulevard**.

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

**Approved By ABCC – 09/23/14**

**Transfer - Trans. #083 – Plot #53—198A**

**Pi-Zans, Inc., Jason P. Lanagan, President**, who is petitioning to **transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **Cultivator Shoals, Inc. d/b/a Cultivator**. Upon approval, **Jason P. Lanagan** will be the **President, Secretary, a Co-Director, and a Co-Shareholder (50%)**; and **Howard I. Mallowes, IV** will be the **Treasurer, a Co-Director, and a Co-Shareholder (50%)**; and **Jason P. Lanagan** is also the **Proposed New Manager**. The previously approved premise consists of an area approximately 918 sq. ft. on the first floor of a three story building, which includes one (1) dining room with table seating for approximately 52 patrons, an open kitchen with stock area, which has a food service counter, and two (2) handicapped restrooms. There is one entrance/exit in the front of the building onto **Union Street**, with an additional exit in the rear of the building, and one handicapped accessible entrance/exit on the west side of

the building. Premise is located on the north side of Union Street between Front and Water Streets. Premises will remain the same at **29 Union 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 – 10/01/14**

**Change of Officers, Directors, & Manager - Trans. #109 – Plot # 19--53**

**United Fishermen Club, Inc., Jack Custodio, President**, who per a vote taken at the Annual 'Club' Meeting held on December 29, 2013, is petitioning for a **Change of Officers, Directors, and Manager of the General on Premise All Alcoholic Beverages License**.

Upon approval, the New Officers and Directors will be as follows: Jack Custodio will remain as the President and a Co-Director, Paulo Vieira and Mark Custodio will serve as Vice – Presidents and Co-Directors, Manuel Gil will be the Treasurer and a Co-Director, John Santos will be the Secretary and a Co-Director, and Antonio Afonso will serve as a Co-Director; **Mark Custodio** is the **Proposed New Manager**. Premises will remain the same at **639 Orchard Street**.

*Advertisement & Abutters Notification not required.*

**Approved By ABCC – 10/03/14**

**1. PETITION - Trans. #070 – Plot # 53-231-A&B**

**Matterhorn RE, LLC d/b/a Cork Wine & Tapas Bar, 90 Front Street**, is requesting the approval of **Cheri Moorehouse**, who resides at **32 Seminole Road, South Dartmouth, MA**. as their new manager.

**2. PETITION - Trans. #084 – Plot # 46--32**

**Trans-City, Inc. d/b/a Wharf Tavern & Deli, Rene Servais, Co-Director**, currently licensed for premises located at **216 Herman Melville Boulevard**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Columbus Group, LLC d/b/a Columbus Restaurant**, who is also requesting a **Change of Location to 218 Union Street**. Upon approval, **Xiaohui Yang aka Shiawee Yang** will be the Sole Member and Manager of the LLC, and Sole-Interest holder (100%); as well as the **Proposed Manager of the Liquor License**. The new proposed licensed premises consist of an area approximately 2,890 sq. ft. on the first floor of a five - story building, which will include one room with a dining area and bar area, a kitchen, a storage room, and two handicapped restrooms. The licensed premises will have one entrance/exit in the front of the building onto Union Street, a side entrance onto Pleasant Street, and an emergency exit located in the rear of the building on the south side of the building. There will also be an area for the storage of alcohol in the basement. The premises is situated on the south side of Union Street, on the corner of Union and Pleasant Streets, and **numbered 218 Union Street**.

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

*Application has been advertised; Abutters have been notified.*

**3. PETITION - Trans. #014 – Plot # 53--197**

**P37, LLC d/b/a Pier 37, Steven C. Perry, Co-Manager of LLC**, who is requesting a **Change of LLC Managers, the Transfer of Financial Interest, and a Change of Manager of the Common Victualler (Restaurant) All Alcoholic Beverages License**. **Steven C. Perry and Louise A. Branchaud** is requesting that their resignations as Co-Managers and Interest-Holders of the LLC be accepted, as well as allowing the transfer of their financial interest. Steven C. Perry is also requesting that his resignation as manager of the liquor license be accepted; the applicant is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to the New Bedford Economic Development Council, 1213 Purchase Street, N.B., MA**. as security to authorize and execute a promissory note in the amount of **One Hundred Thousand Dollars (\$100, 000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Upon approval, **Jeremy J. Dias and Eddy P. Yedlin** will be Co-Managers and Co-Interest-Holders (50% each); and **Jeremy J. Dias** is also the **Proposed Manager of the Liquor License**. The previously approved premise consists of one room on the first floor of a one – story building, in an area approximately 2,500 sq ft., which includes a kitchen, two handicapped restrooms, and a storage room. The licensed premise is situated on the North Side of Union Street between Johnny Cake Hill and Front Street, with an entrance/exit onto Union Street, with an emergency exit located at the rear of the building on the North Side of the building. The premises will remain numbered **37 Union Street**.

*Application has been advertised.*

**4. APPLICATION, (No Representation Required)**

**S.P.T. Memorial Fund Raising Committee, Jason Kirby, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Memorial Fundraiser for Sean Patrick Toomey' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Saturday, September 27, 2014, from 7:00 p.m. until 10:00 p.m.**

**5. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Melanie Correia, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a 'Lecture & Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Thursday, October 16, 2014, from 6:00 p.m. until 7:00 p.m.**

**6. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Melanie Correia, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a 'Lecture & Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Thursday, October 30, 2014, from 6:00 p.m. until 7:00 p.m.**

**7. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Melanie Correia, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a 'Lecture & Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Thursday, November 13, 2014, from 6:00 p.m. until 7:00 p.m.**

**8. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Melanie Correia, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a 'Lecture & Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Tuesday, November 18, 2014, from 6:00 p.m. until 7:00 p.m.**

**9. HEARING: Simba, Inc. d/b/a XS Lounge/Nightclub**

**Ms. Kristina Morrow, Manager/Co-Owner**  
**226 Union Street**

**Current Status: Closed 09/25/14**

**Your presence** and that of **Lawrence Bucha, Co-Owner**, is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2014 prior to this Board considering approval of your 2015 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

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

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your 'General on Premise' All Alcoholic Beverages License.

**10. HEARING: New Bedford Lodge No. 73 – BPO Elks**

**Mr. Francis E. Wynn, Jr., Trustee-Chairman**  
**23 South Sixth Street**

**Current Status: Closed 01/01/14 – License for Sale**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2014 prior to this Board considering approval of your 2015 renewal application. If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation. Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your ‘Club’ All Alcoholic License.

**Minutes of 06/30/14**

As a result of the open hearing held on June 30, 2014 to determine the status of your annual liquor license for the year 2014, and to discuss the status of your ‘pending transfer of license’ prior to this Board considering approval of your 2015 Liquor License renewal application; this Board voted unanimously to table the matter until the Licensing Board’s October 20<sup>th</sup> Meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until October 1, 2014 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

**Tabled At 06/30/14 Meeting**

**11. HEARING: Tane Corporation d/b/a Octane Sports Bar**

**Ms. Fernanda Carvalho, Owner**  
**1430 Acushnet Avenue**

**Current Status: Closed 10/31/13 – License for Sale**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2014 prior to this Board considering approval of your 2015 renewal application. If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation. Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your ‘Common Victualler (Restaurant)’ All Alcoholic Beverages License.

**12. APPLICATION - Plot # 93--164**

**Saed K. Dib**, who resides at **14 Birchwood Drive, North Providence, R.I.**, who is requesting approval of his application

for a **Motor Vehicle Class II (Used Car Dealer) for TOPGEAR AUTO SALES, Inc.**, with premises situated at **197 ½ Coggeshall Street.** (**Note:** Applicant is also licensed at 297 Belleville Avenue (Clear Auto Sales, Inc.)

**Note:** Site was formerly licensed to **Raymond Therrien d/b/a Ray's Auto Sales & Service** and was previously approved for the display of **Fifteen (15) cars** by the **Office of Inspectional Services.**

Final approval of the Motor Vehicle Class II License will require a '**Change of Tenant**' from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

### **13. APPLICATION - Plot # 31—242 (No Representation Required)**

**Christopher Zammito**, who resides at **307 Smith Neck Road, Dartmouth, MA.**, who is requesting approval of his application for a **Motor Vehicle Class V (Auto Body Shop) for RPCV AUTOBODY, LLC d/b/a MAACO**, with premises situated at **49 Potomska Street.** Site of the proposed licensed premises will remain the same as follows: A cement block building approximately 70' x 65' to store twenty-five (25) vehicles, with office space, repair space, spray booth, and four restrooms. There is a blacktopped display area large enough to store fifty (50) vehicles, approximately 50,000 sq. ft enclosed by a chain link fence. There is to be painting on the proposed auto body repair shop premises which is situated on the east side of Rte.18, west side of MacArthur Drive and numbered **49 Potomska Street.**

**Note:** Site is currently licensed to **Rudolph V. Mosesso d/b/a Maaco Auto Painting & Body Works**, whose license must be surrendered upon approval.

Final approval would require a **Change of Tenant** from **Inspectional Services.** All other required documents have been submitted.

### **14. HEARING: Route Six Properties, Inc. d/b/a Temptation**

**Mr. Steven M. Camara, Manager/Owner**  
**161 Pope's Island**

**Your presence and that of Jason Gibau, Manager and Jamie Machado, Doorman** is requested at a hearing of the New Bedford Licensing Board.

The intent of the hearing is to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and/or Licensing Board Rules & Regulations. This hearing will focus on: (a) the control and operations of the licensed premises including the current management that is in place; (b) the facts surrounding an incident that occurred that resulted in the serious assault of a patron by a bouncer employed by Temptations on ; (c) the hindering or delaying of the investigation by ownership and employees of Temptations, as well as their refusal to provide or to hide information from the police during their investigation; (d) the statement by the alleged assailant, who was also an employee that he was drinking alcohol and taking drugs (snorting cocaine) while on duty as a bouncer on the night of the incident.

The Licensing Board is exceptionally troubled about this assault since it's attributed to an employee, as well as to the actions of ownership and employees immediately following the incident, which indicates a clear attempt to cover-up the incident.

This is in violation of the legal responsibilities of both you and your employees. By failing to maintain the licensed premises in a safe manner and by failing to maintain complete authority and control of the licensed premises, and your failure and that of your staff to co-operate with the police, you made a conscious decision to place your license at risk. Additionally, the Board will address an incident that occurred on September 13, 2014 in which an officer observed a patron walking out of your establishment at 2:50 a.m. with no employees on the premises. The officers observed on the bar two glasses of what appeared to contain an alcoholic beverages as well as a half empty beer bottle. This patron was later located in the parking lot, speaking with you and a second male who identified himself as an employee of Temptations, where there were also empty beer bottles present.

The report indicates that you appeared to be highly intoxicated to the point that you were unable to properly lock the doors to your establishment.

Should these allegations be proven correct, the Licensing Board may also take action to modify, suspend, revoke, or cancel your liquor license; and if warranted, a roll back of hours may be considered.

The potential violations are as follows:

### **Violations: Massachusetts General Laws Chapter 138, Sections 12, 12A, 15A, 63A**

An application must be filed to obtain approval from the local authorities and ABCC for a change of manager. It is a violation to hinder or delay or refuse to give information to any authorized agent of the local licensing authorities (Police).

### **Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)**

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

**Licensing Board Regulations No. 6, 10, 11, 12, 36, 41**

Each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen (Immediate notice of the appointment must be made to the Board in writing; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated;

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; Licenses are subject to suspension, revocation or forfeiture after hearing for breach of any of the listed regulations or any other law of the Commonwealth.

**Illegal Narcotics**

It is a violation to permit any illegality on the premises including the use or sale of illegal narcotics. It is the responsibility of the licensee to contact the local police immediately, if they suspect illegal narcotics use or sales on their premises. Indications of illegal narcotics use include persons making frequent trips in and out of the premises or in and out of restrooms.

**Police Report #'s - 14-2922-OF – 08/16/14 & 14-11696-Of – 09/13/14**

**15. HEARING: Route Six Properties, Inc. d/b/a Temptation**

**Mr. Steven M. Camara, Manager/Owner**  
**161 Pope's Island**

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; as well as a result of certain changes in the day to day operation of the premises. 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 - )

**16. HEARING: Tropicana Bar & Grille, Inc.**

**Ms. Maria Barbosa, Manager/Co-Owner**  
**1700 Purchase Street**

Your presence and that of Miguel Barbosa, Co-Owner, 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. The Board will review the proliferation of calls to service to your establishment, by the New Bedford Police Department. There is great concern regarding the number of late night disturbances and incidents taking place in and around your establishment as well as a report of a minor being found on the premises. The Board has concerns where you were recently warned about these disturbances yet that continue to occur which brings into question your ability to provide a safe and secure premise for your patrons.

Upon review of the facts, 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.

The potential violations 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 #1 – 09/06/14**

Police Department incident report states that officers responded to yelling and screaming in front of the Tropicana Bar & Grille. Upon arrival the officers observed a commotion in the middle of the street involving several individuals. The incident is reported to have started in your establishment when a bottle was thrown by one patron at another resulting in one arrest.

**Date and time of alleged violations: Saturday, September 6, 2014 @ approximately 1:57 a.m.**

**Police Report # 14-3188-AR**

**Summary of Incident #2 – 09/14/14**

Police Department incident report states that officers responded to a call for service for a large fight outside of the Tropicana Bar & Grill. Upon arrival a large crowd was observed dispersing from the area along with a car with two males sitting in the back seat of a vehicle bleeding. The head of security stated that a male patron was bothering a female who did not want to be bothered. He further stated that when he tried escorting the male out of the establishment, a friend of the patron became physically engaged by trying to prevent the staff from escorting his friend out.

**Date and time of alleged violations: Sunday, September 14, 2014 @ approximately 1:35 a.m.**

**Police Report # 14-11746-OF**

**Summary of Incident #3 – 09/19/14**

Police Department incident report states that officers conducted a compliance check of the Tropicana Bar & Grille at approximately 12:10 a.m. The officers as part of their check approached two young females on the dance floor that looked away when they observed the officers approaching. When asked for their I. D.'s, both females pretended to look through their purses and eventually stated their I.D.'s were outside in the car. When asked how they entered the premises without proper identification, they stated they had it on them but went back outside and put it in the car. One of the females had a purse which contained a Massachusetts ID which she initially stated belonged to someone else. She later confessed that it was hers and that she was only 20 years old. The police confirmed the other female had an outstanding warrant for her arrest. The owner stated that he had a doorman and didn't know why the underage girl was in the bar.

**Date and time of alleged violations: Friday, September 19, 2014 @ approximately 12:10 a.m.**

**Police Report # 14-12054-OF**

**17. HEARING: Tropicana Bar & Grille, Inc.**

**Ms. 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 Ch. 138, sec. 12)

**18. HEARING: Becky D, Inc. d/b/a Southside Annie's**

**Ms. Annette Demers, Manager/Co-Owner**

**114 Cove Street**

**Your presence** and that of **Rebecca Demers, Person in Charge**, is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules & Regulations. This hearing will focus on the incident that occurred on Thursday, September 18, 2014 at approximately 2:30 a.m., as a result of a call to service to your establishment.

The Police Report states that upon arrival, officers were met at the door by a Ms. Rebecca Demers who identified herself as the bar manager. Upon approaching Ms. Demers, she was barefoot and appeared to be highly intoxicated. Ms. Demers stated that the bar was empty and that she was attempting to close the bar and accidentally set the alarm off. Ms. Demers tried unsuccessfully to silence the alarm a number of times and when assisted by the officers continuously gave different alarm codes. It was apparent that Ms. Demers was too impaired to turn off the alarm and properly secure the

establishment and therefore the building was secured by the police on site.

This board has a number of concerns in that Ms. Demers is not the manager of record; her over consumption of alcohol either as a patron or an employee and her ability to provide a safe and secure premise.

**Police Report # 14 - 11955 - OF**

Upon review of the facts, the Licensing Board may take action to modify, suspend, revoke, or cancel the establishment's liquor license.

The potential violations are as follows:

**M.G.L. Ch. 138, sec. 12, 12A, & 15A-**

An application must be filed to obtain approval from the local licensing authority and the ABCC for a change of manager.

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

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

**Licensing Board Regulations No.6, 10, 12-**

Each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen (Immediate notice of the appointment must be made to the BOARD in writing); Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Premises at all times must be kept safe, clean, neat and sanitary.

**19. HEARING: Almost Brothers, Inc. d/b/a Hibernia Pub**

**Mr. Barry Flynn, Manager**  
**109 William Street**

Your presence and that of Geoffrey Haworth II, Person in Charge, is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations, Licensing Board Rules and Regulations, and City Ordinance. The Board will also review the ongoing calls to service to your establishment.

This Board has concerns regarding the number of reported disturbances with three coming within a two week period as well as a report of a minor being found on the premises. The Board has concerns where you were recently warned about these disturbances yet they continue to occur, which brings into question your ability to provide a safe and secure premise for your patrons.

Upon review of the facts, 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.

The potential violations 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. 5, 10, 11 & 12-**

Sale of alcoholic, wine and malt beverages to a person under the age of 21 is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated. 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.

**Illegal Narcotics**

It is a violation to permit any illegality on the premises including the use or sale of illegal narcotics. It is the responsibility of the licensee to contact the local police immediately, if they suspect illegal narcotics use or sales on their premises. Indications of illegal narcotics use include persons making frequent trips in and out of the premises or in and out of restrooms.

**New Bedford Code Of Ordinances, Section 15-96-**

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

There are a number of incident reports as submitted by the New Bedford Police Department that the Board will reference in this hearing. They are as follow:

- # 14-3302-AR
- # 14-11810-OF/(Report #'s 14-3303-AR & 14-3304-AR-Supplemental Arrest Reports)
- # 14-12015-OF

**20. HEARING: Almost Brothers, Inc. d/b/a Hibernia Pub**

**Mr. Barry Flynn, Manager**  
**109 William Street**

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

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

• **CORRESPONDENCE**

---NONE--

• **COMPLAINTS RECEIVED:**

---NONE--

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

<b><u>NAME</u></b>	<b><u>POLICE REPORT#</u></b>	<b><u>DATE</u></b>	<b><u>VIOLATION</u></b>
1. Elizabeth's Restaurant	#14-12780-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 9:25 a.m.)
2. Whaling City Club	#14-12781-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 9:35 a.m.)
3. Club Recordacoes DePortugal	#14-12782-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 9:50 a.m.)
4. Park Sports Cafe	#14-12783-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:10 a.m.)
5. Monte Pio Luso Americano	#14-12784-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:15 a.m.)
6. Club Uniao Faialense	#14-12785-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:25 a.m.)
7. Portuguese Sports Club	#14-12787-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:30 a.m.)
8. Ilha Verde Cafe	#14-12788-OF	10/05/14	Serving Prior to 11 a.m. on Sunday

(Approximate Time of Violation 10:35 a.m.)

9. O’Escondidinho	#14-12789-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:40 a.m.)
10. N. B. Sports Club	“No Report”	10/05/14	Door Locked/Patrons Inside (Approximate Time of Violation 8:30 a.m.)
11. St. Michael Club	“No Report”	10/05/14	Refused Entry (Approximate Time of Violation 8:40 a.m.)
12. Café Monte Carlo	“No Report”	10/05/14	Open (Approximate Time of Violation 9:15 a.m.)
13. United Fishermen’s Club	‘No Report’	10/05/14	Large Group Inside/No Alcohol (Approximate Time of Violation 10:20 a.m.)

• **LICENSE HOLDERS IN TAX TITLE – For Review Only (A/O 10/15/13 )**

**Common Victuallers (Restaurants)**

Dee’s Hot Dogs (Robert C. & Diane M. Martin d/b/a) – Plot# 119--84-----	\$2,608.35
The Boat (Lemieux Enterprises, Inc. d/b/a) – Plot# 127-D-141-----	\$9,212.31
	<b>\$11,820.66</b>

**Class II (Used Car Dealer)**

A. W. Martin, Inc.-Plot# 123—20-----	\$10,964.68
	<b>\$10,964.68</b>

**Class II (Used Car Dealer)**

Capitol Motors (Ronald Moura d/b/a)-Plot# 23-219-----	\$8,913.11
Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-Plot# 13-138-----	\$5,819.89
Lima’s Garage & Auto Body, Inc.-Plot# 97-147-----	\$14,211.96
Union Auto Towing, Inc.-Plot# 320—33-----	\$3,044.13
	<b>\$31,989.09</b>

**Liquor Licenses**

**Common Victualler AA (Restaurants)**

Chuck’s China Inn (Luk & Chen, Inc. d/b/a)-Plot# 111-21-----	\$7,142.03
Danny’s Seafood Restaurant (Norway Café, Inc. d/b/a)-Plot# 108-13-----	\$13,198.43
Incognito (Anthsand, Inc. d/b/a)-Plot# 104-114-----	\$4,759.60
Jalice Café, Inc.-Plot# 99-3-----	\$15,681.80
LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-148-----	\$2,266.63
LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-151-----	\$8,178.09
Me & Ed’s Restaurant, Inc.-Plot# 5--7-----	\$13,678.77
Me & Ed’s Restaurant, Inc.-Plot# 4-29-----	\$9,037.38
Me & Ed’s Restaurant, Inc.-Plot# 4-51-----	\$14,382.61
Mikey B’s (Mikey B’s, Inc. d/b/a)-Plot# 130-D-139-----	\$653,266.42
The Pub (Ferdade, Inc. d/b/a)-Plot# 93—240-----	\$9,787.71
Villa Franca Restaurant & Café (Vila Franca Do Campo, Inc. d/b/a)-----	\$6,015.24
	<b>\$757,394.76</b>

**Clubs AA**

The Bisca Tournament Club, Inc.-Plot#37-3-----	\$1,931.89
The Bisca Tournament Club, Inc.-Plot#37-322-----	\$3,553.33
The New Cape Verdean Ultramarine Band Club, Inc.-Plot#42-183-----	\$17,319.97
Whaling City Club, Inc.-Plot#104-164-----	\$1,437.748

**\$24,242.67**

**Retail Package Store W & M**

County Street Liquor Store (Matthew Do d/b/a)-Plot#92-267-----\$1,211.97  
**\$1,211.97**

**Retail Package Store W & M**

Allen Street Convenience, Inc.-Plot# 92--267-----\$16,820.11  
Costa's Gas & Mini-Mart (MMRB Corp., Inc. d/b/a)-Plot#92-267-----\$18,804.14  
**\$35,624.25**

**Outstanding Owed = \$873,248.08**

- **NEXT TWO MEETING DATES:** November 17<sup>th</sup> & December 22<sup>nd</sup>, 2014 both in the Ashley Room (120) @7:00 p.m.
- **MEETING ADJOURNED:**