



## Licensing Board

November 17, 2014 – 7:00 PM – **Agenda**  
City Hall, 133 William Street, Room 314

**LICENSING BOARD MEETING**

**-AGENDA-**

**Monday, November 17, 2014**

**Room 314 – 7:00 p.m.**

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

Marcelino “Sonny” G. Almeida, Commissioner

**A/O 11/12/14**

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

**MOTION TO ACCEPT THE MEETING MINUTES OF July 28, 2014**

**MOTION TO ACCEPT THE MEETING MINUTES OF August 25, 2014**

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

**TRANSFER & PLEDGE OF LICENSE - Trans. #031 – Plot # 23—9**

**“FOR RECONSIDERATION W/A NEW PROPOSED MANAGER—09/22/14”**

Calypso Hospitality, LLC d/b/a Fernando’s Grille & Bar, Gregory Kulpinski, Manager of LLC who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to 161 Highland Avenue, Inc, d/b/a Trio Restaurant; the applicant is also requesting approval of a Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Goulart Square Realty, LLC, as security to authorize and execute a promissory note in the amount of Ninety-Seven Thousand and Nine Hundred Dollars, (\$97,900.00), pursuant to Massachusetts General Laws Ch.138 s.23. Upon approval, Sandra S. Rodrigues will be the President, Treasurer, Secretary, Sole Director, and Sole-Shareholder (100%); and Nevin Benjamin is the Proposed Manager.

The previously approved premises is located on the street level of a Three (3) story building, which includes One (1) dining room approximately 2,000 sq. ft. with a bar, Two (2) Handicapped Restrooms, and seating for approximately Eighty (80) people, a pastry shop, approximately 350 sq. ft., with seating for approximately Ten (10) people; there is also a full kitchen, approximately 650 sq. ft., with the storage of liquor in the basement. There are two (2) main entrances/exits; one (1) into the dining room from Rivet St. and one(1) into the Pastry Shop/Kitchen from Bolton St., and two (2) additional rear exits. The licensed premises also includes a ‘Seasonal Outdoor Patio Area’ approximately 430 sq. ft. (10’ x 43’) to be used as a ‘Sidewalk Café’, which is enclosed by a 4 ft. high resin fence with a decorative lattice panel design, and is to be used for *seated dining purposes only*. The enclosed area includes Ten (10) tables for the seating of Thirty – Two (32) patrons for dining only, as well as a Hostess Station; and is located on the east side of the building, which is contiguous to the licensed premises. The outdoor area is only accessible by way of an entrance/exit off the main entrance ramp located in the front of the building, and is accessible by ‘Hostess Seating’ only; the area will also be monitored by the hostess and wait staff at all times.

The hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance.

(Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15), and requires yearly approval from the City of New Bedford.

The premise is situated on the corner of Rivet & Bolton Streets **and will remain the same at 418-420 Rivet 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 – 10/27/14**

**Change of Manager - 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.

**Approved By ABCC – 11/03/14**

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

**Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, President,** who is petitioning for a **Change of Description** of the **Common Victualler (Restaurant) Wine & Malt Only Beverages License.** Upon completion of the renovations, the licensed area will consist of an area approximately 553 sq ft on the first floor of a three story building, which includes one (1) dining room with table seating for approximately Ten (10) patrons, and a bar with seating for six (6) patrons, along with an enclosed kitchen area.

The licensed premises will also include two (2) handicapped restrooms, a prep area, and a secured walk-in cooler for liquor storage located in an adjacent first floor common area. (No alcohol shall be consumed in this area.)

There is one handicapped accessible entrance/exit on the west side of the building onto Union Street along with an emergency only exit in the front of the building also onto Union Street, and an additional exit in the rear 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’.**

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

**Note (Item #'s 2 & 3):** Final Pledge Agreement & Promissory Note was submitted with an amount (\$85,000.00) that was less than the amount stated on the application, therefore, the Board’s vote of 10/20/14 must be reconsidered and the Board’s previous vote to approve the application must be withdrawn, and a new vote must be taken on the application as amended.

**2. PETITION - Trans. #014 – Plot # 53—197 (No Representation Required)**

**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.*

**Minutes of 10/20/14 Meeting:**

**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. Dias, 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**

**3. PETITION - Trans. #014 – Plot # 53—197 (No Representation Required)**

**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 **Eighty-Five Thousand Dollars (\$85, 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 was previously advertised on 10/10/14).*

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

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “VIP Membership Lounge Fundraiser”; to be held in the **“Penler Space”**, located at **686 Purchase Street**, and to be held on **Saturday, November 8, 2014, from 6:00 p.m. until 11:30 p.m.**

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

**Rotch-Jones-Duff House, Jennifer King, Event Co-Coordinator**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Celebrate the Seasons Opening Gala Preview Party’ to be held at the **Rotch-Jones-Duff House**, located at **396 County Street**, and to be held on **Thursday, November 13, 2014, from 6:00 p.m. until 8:00 p.m.**

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

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “VIP Membership Lounge Fundraiser”; to be held in the **“Penler Space”**, located at **686 Purchase Street**, and to be held on **Saturday, November 15, 2014, from 6:00 p.m. until 11:00 p.m.**

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

**New Bedford Whaling Museum, Caitlin McCaffery, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Chairman’s Awards Celebration’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Friday, November 21, 2014, from 6:00 p.m. until 10:00 p.m.**

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

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “VIP Membership Lounge Fundraiser” ;to be held in the **“Penler Space”**, located at **686 Purchase Street**, and to be held on **Saturday, November 29, 2014, from 6:00 p.m. until 11:00 p.m.**

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

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “VIP Membership Lounge Fundraiser”; to be held in the **“Penler Space”**, located at **686 Purchase Street**, and to be held on **Saturday, December 20, 2014, from 6:00 p.m. until 11:00 p.m.**

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

**New Bedford Whaling Museum, Caitlin McCaffery, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘New Years Eve Bash!’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Wednesday, December 31, 2014, from 7:00 p.m. until 10:00 p.m.**

**11. HEARING: The Washington Social & Musical Club, Inc.**

**Mr. Fred Caton, III, Manager**

**90 David Street**

**Re: Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth**

Please be advised that **you are required to attend** a joint meeting of the Licensing Board, Fire Department and Building Department to discuss the requirements of Chapter 304 as it relates to the lack of updated service for your ansul system for your club. We have been informed that your establishment falls under the provisions of this law, and to date, you have

failed to meet the requirements of this regulation.

This meeting **is mandatory** in that this issue must be resolved prior to the renewal of your 2015 liquor license. Your failure to comply may result in the non-renewal of your license.

## **12. APPLICATION - Plot # 108--101**

**Nuno M. Barreira**, who resides at **301 Tinkham Street, N. B., MA.**, who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) for Nuno's Auto Center, Inc.**, with premises situated **at 413 Ashley Boulevard Street. (Repairs will be done on the premises.)**

**Note:** Site is currently licensed to **Richard Estrella's Auto Sales, Inc. d/b/a Richard's Auto Sale** and was previously approved for the display of **Twenty (20) 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** and a **\$25,000.00 Bond.**

### **Tabled At 07/28/14 Meeting**

## **13. HEARING: JAMA, LLC d/b/a Major League Burgers**

**Ms. Jane A. Magan-Askew, Owner**

**914 Mt. Pleasant Street**

### **Approved 11/25/13 – Renovations**

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.

### **Minutes of 10/21/13 Meeting**

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

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 (2013) ... 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.

### **Minutes of 07/28/14 Meeting**

**Present: Atty. Greg Koldys, Representing JAMA, LLC**

When asked by Chairman Beauregard as to the current status of the proposed licensed premises, Atty. Koldys stated Ms. Magan was unable to attend tonight's meeting, and that he had a letter stating what Ms. Magan's current position is.

Atty. Koldys stated that he may have misspoke at the prior hearing when he stated that he hoped to be open by the beginning of December (2013), and that he didn't realize that the approval process would take as long as it did; noting that the transfer was not approved until the end of November.

Atty. Koldys referred to the letter in which Ms. Magan states, that they have experienced some delays in the build out of the proposed premises and the layout of the equipment, which required a new set of plans to be submitted to the Health Department for review; and that they now anticipate a November (2014) opening.

A copy of the letter and the new set of plans were submitted to the Board by Atty. Koldys, and unanimously received and placed on file.

The 'new' plans were reviewed with the Board, and it was determined that there was no difference in the basic layout of the premises, therefore, the Licensing Board would not be required to approve the new plans.

When asked by Chairman Beauregard as to where they were with regard to the renovations, Atty. Koldys stated that the new plans were now before the Board of Health, once they're all set with it and how it fits; and that she (Ms. Magan) anticipates opening by November, and that she's very aware that she needs to get open.

**VOTED:** On a motion by Commissioner Almeida, the Board voted unanimously to table the matter until the Licensing Board's November 17<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 she has until November 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.

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.

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 07/28/14 Meeting

**14. HEARING: De Abreu & Sons, Inc. d/b/a Fortuna Grill**

**Mr. Manuel De Abreu Dos Reis, Owner/Manager**

**288 Union Street**

**Closed 07/01/14 – 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.

Minutes of 07/28/14 Meeting

**Present: Manuel De Abreu Dos Reis, Owner/Manager, along with George De Abreu Dos Reis (Son)**

Mr. Nanopoulos informed the Board that the liquor license was surrendered to him on July 1<sup>st</sup>

When asked by Chairman Beauregard to give the Board an update as to their plans for the liquor license, Mr. (George) Dos Reis stated that his father, who is the owner of the building, has put the business in the hands of Pontiff Real Estate in hopes of finding someone to either lease the business and rent the space, or to find someone to buy the business and the building, and then transfer the license to that individual; and that it was their intent to keep the liquor license with the business in that building. Mr. Dos Reis stated that they hoped that would occur before December, hopefully before the renewal period.

**VOTED:** On a motion by Commissioner Almeida, the Board voted unanimously to table the matter until the Licensing Board’s November 17<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 she has until November 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.

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.

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

**15. 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.

**Minutes of 06/30/14 Meeting**

**Present: Fernanda Carvalho and Claudio Cabral, Co-Owners**

Ms. Carvalho submitted a copy of a Purchase & Sales Agreement, which the Board voted unanimously to receive and place on file. The P & S agreement was with Goulart Square Realty, LLC.

Chairman Beauregard informed Ms. Carvalho that she’s going to have a problem because there’s already a liquor license assigned to that location, therefore, her license cannot be transferred to the location stated on the P & S, until such a time as the current license issued for that location is transferred out.

Ms. Carvalho stated that she was not aware of that and asked if Mr. Coelho was aware of that, to which Chairman Beauregard responded, oh yes, he’s aware of it.

Atty. Markey informed Ms. Carvalho of what the current situation is and stated that the Board is hopeful that something can be worked out to break the logjam at this location in the very near future; he also stated that they discussed the situation with the other party involved earlier and informed them of your situation, and we encouraged them to take the steps that are necessary to allow you to move your license.

Atty. Markey advised Ms. Carvalho that she should contact either Atty. Michael Kehoe or Atty. Emile Morad for further information regarding the status of 318 Rivet Street.

Chairman Beauregard informed Ms. Carvalho that the Board and the City are trying to get this resolved as soon as possible, and suggested that the matter be tabled until the Board’s October meeting; Chairman Beauregard also advised Ms. Carvalho that if another deal came along, I would probably take it.

Mr. Nanopoulos informed the Board that Ms. Carvalho had a prior P & S in place and that they have been actively trying to sell the license; and stated that the situation they’re in, is not a result of their lack of effort to move the license, and they’ve done everything that they’ve been instructed to do.

**Voted:** Commissioner Almeida made a motion to follow Chairman Beauregard’s recommendation, to **table the matter to the Board’s October meeting.** – **Unanimous**

**Minutes of 10/30/14 Meeting**

**Present:** *No one appeared as requested.*

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

**16. HEARING: Ransan Rotisserie, Inc. d/b/a Braza Rotisserie**

**Mr. Randy R. Cardoso, Owner**

**566 Pleasant Street**

**Closed 12/31/13 – 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.

**Minutes of 06/30/14 Meeting**

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

November 17th 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 November 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.
- 4.) 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.

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.

**17. HEARING: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty**

**Mr. Shang Ying Zhao, Manager of LLC**

**114-116 Nauset Street**

**Approved 06/03/14 – Renovations**

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.

**18. HEARING: Casa Chessa Corp. d/b/a Café Balena**

**Ms. Mairy M. Sawicki-Chessa, Director/Manager**

**24 North Water Street**

**Closed 07/15/14 – 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.

**19. HEARING: Nabih Moujabber d/b/a Lebanese Kitchen**

**Mr. Nabih Moujabber, Licensee**

**1487-1489 Purchase Street**

**Closed 07/12/14 – Renovations (Fire)**

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.

**20. HEARING: Joe’s Auto Mall, Inc.**  
**Mr. Jose Adao, President**  
**547 Belleville Avenue**

Your presence is requested at a hearing to determine the status of your Motor Vehicle Class II (Used Car Dealer) license. This notice is given in accordance with Massachusetts General Laws Chapter 140, section 59 in that all licenses granted under this section shall be revoked by the licensing board or officer if it appears, after the hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder. This hearing is being held because of your continued practice of storing and displaying vehicles for sale in an area for which you have not been approved as well as your failure to apply for a MV Class II Annex license for the area in question. This matter was discussed with you at the Board’s meeting of November 18, 2013 and you continue to defy the Board’s request for compliance. Based on the evidence presented, the Board may take action not to approve your MV Class II application for 2015.

**Tabled at 10/20/14 Meeting**

**21. HEARING: Tropicana Bar & Grille, Inc.**  
**Mr. Miguel Barbosa, 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**

**Minutes of 10/20/14 Meeting**

**Present: Miguel Barbosa, Co-Owner; Capt. Steven Vicente, Liaison to the Lic. Bd. Along with the Reporting Officers, Officer Agnieszka Ciarka and Officer Abraham Nazario,**

Following the public hearing held on October 20, 2014 to determine whether the licensee violated certain provisions of Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations, as reported to the N. B. Police Department, the Board, upon hearing the testimony presented, **voted unanimously to table any decision on the hearing that was held until its next meeting on November 17, 2014;** in order to give you an opportunity to submit a "Business/Security Plan" for the Board to review., which must be submitted by to the Licensing Board Office by **Wednesday, November 12, 2014.**

**Note:** This plan should contain information as to how the licensee plans on operating his business, which should include his hours of operation, if food will be served, and the type of entertainment the licensee plans on offering, as well as the days said entertainment will be offered. The plan should also include a detailed security plan, which should include any measures (doorman, police details, cameras, etc.) that the licensee has or plans on implementing to ensure the safety of his patrons and staff.

**Tabled at 10/20/14 Meeting**

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

**Ms. Miguel Barbosa, 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)

• **CORRESPONDENCE**

**From: Albert Cardoso, Current Manager**

**Received – 10/06/14**

**Re: Saint Michael Social Club, Inc.**

**101 Madeira Avenue**

Mr. Cardoso submitted a letter informing the Licensing Board that as of 01/15/15, his term as bar manager would expire.

**Note:** A Change of Manager Application was hand delivered to Mr. Cardoso; and he was informed that the application must be submitted by 01/07/15.

**From: Roland Ferguson, President**

**Received – 11/06/14**

**Re: YCVAA**

**418 South Front Street**

The “current” manager (Dulcieann Mello) submitted a copy of the Club’s Meeting Minutes of 10/26/14, at which Barry DeMelo was elected as the new bar manger, effective 01/01/15, at which time her term as bar manager would expire.

**Note:** A Change of Manager Application was hand delivered to Mr. Cardoso, and she was informed that the application must be submitted by 11/13/14.

**From: Ed Smith, Auctioneer**

**Received – 11/09/14**

**Re: Ferdade, Inc. d/b/a The Pub**

**317 North Front Street**

A DOR will hold a ‘public auction’ of a 7 -Day All Alcoholic on Premise Beverage license on **Thursday, November 20, 2014 at 11:00 a.m.**, which was seized by Commonwealth of Massachusetts Department of Revenue Tax Seizure Unit.

• **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
-------------	-----------------------	-------------	------------------

--NONE-

• **MEETING DATE FOR HEARINGS ON SUNDAY MORNING VIOLATIONS**

**January 20<sup>th</sup> or January 26<sup>th</sup> – TBD for the Following:**

1. Elizabeth’s Restaurant
2. Whaling City Club
3. Club Recordacoes DePortugal
4. Park Sports Cafe
5. Monte Pio Luso Americano
6. Club Uniao Faialense
7. Portuguese Sports Club
8. Ilha Verde Cafe
9. O’Escondidinho
10. N. B. Sports Club
11. St. Michael Club
12. Café Monte Carlo
13. United Fishermen’s Club

• **LICENSE HOLDERS IN TAX TITLE – For Review Only (A/O 11/07/14)**

**Common Victuallers (Restaurants)**

Dee’s Hot Dogs (Robert C. & Diane M. Martin d/b/a) – Plot# 119--84-----	\$2,789.15
The Boat (Lemieux Enterprises, Inc. d/b/a) – Plot# 127-D-141-----	\$9,527.07
	<b>\$12,316.22</b>

**Class II (Used Car Dealer)**

Capitol Motors (Ronald Moura d/b/a)-Plot# 23-219-----	\$9,576.86
Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-Plot# 13-138-----	\$5,948.41
Lima’s Garage & Auto Body, Inc.-Plot# 97-147-----	\$14,278.54
Union Auto Towing, Inc.-Plot# 320—33-----	<u>\$3,228.79</u>

**\$33,032.60**

**Class II (Used Car Dealer)**

A. W. Martin, Inc.-Plot# 123—20-----**\$11,251.36**

**Liquor Licenses**

**Common Victualler AA (Restaurants)**

Chuck's China Inn (Luk & Chen, Inc. d/b/a)-Plot# 111-21-----\$7,415.78  
Danny's Seafood Restaurant (Norway Café, Inc. d/b/a)-Plot# 108-13-----\$13,439.78  
Incognito (Anthsand, Inc. d/b/a)-Plot# 104-114-----\$3,967.46  
Jalice Café, Inc.-Plot# 99-3-----\$16,035.83  
LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-148-----\$2,729.22  
LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-151-----\$8,280.40  
Me & Ed's Restaurant, Inc.-Plot# 4-29-----\$9,031.82  
Me & Ed's Restaurant, Inc.-Plot# 4-51-----\$14,313.88  
Me & Ed's Restaurant, Inc.-Plot# 5--7-----\$13,656.92  
Mikey B's (Mikey B's, Inc. d/b/a)-Plot# 130-D-139-----\$651,786.11

**Villa Franca Restaurant & Café (Vila Franca Do Campo, Inc. d/b/a)-----\$6,015.24 – PAID IN FULL**  
**(Balance of Outstanding Owed) \$740,657.20**

**Clubs AA**

The Bisca Tournament Club, Inc.-Plot#37-3-----\$1,730.42  
The Bisca Tournament Club, Inc.-Plot#37-322-----\$3,248.86  
The New Cape Verdean Ultramarine Band Club, Inc.-Plot#42-183-----\$17,699.15  
**\$22,678.43**

**Retail Package Store All Alcohol**

**County Street Liquor Store (Matthew Do d/b/a)-Plot#92-267-----\$1,439.38 – PAID IN FULL**

**Retail Package Store W & M**

Costa's Gas & Mini-Mart (MMRB Corp., Inc. d/b/a)-Plot#92-267-----**\$14,688.24**

**Total Balance of Outstanding Owed = \$854,798.56**

• **OUTSTANDING FIRE & POLICE DETAILS – For Review Only (A/O 10/31/14)**

1. Golden Greek (CV)-----\$697.83  
2. World Famous Pizza (CV)-----\$1,364.72  
3. A.W. Martin, Inc. (Class III)-----\$546.42  
4. Tila's Restaurant (CVAA)-----\$175.00  
5. Dublin's Sports Bar (CVAA)-----\$725.01  
6. Kirby's Irish Pub (CVAA)-----\$346.28  
7. The Sky Room (CVAA)-----\$149.79  
8. Waterfront Grille (CVAA)-----\$175.00  
9. Lebanese Kitchen (CV W & M)-----\$2,438.70  
10. Wonder Bowl (GOP)-----\$3,477.46  
11. Society of Senhor DaPedra (Club AA)-----\$865.70  
12. Verdean Veterans Memorial Foundation (Club AA)-----\$806.48 (1)  
13. Verdean Veterans Memorial Foundation (Club AA)-----\$349.71 (2)  
14. Day of Portugal (Special Event)-----\$26,196.38  
**\$38,314.48**

**15. Irmandade Espirito Do Santo Do Pico (Special Event)-----\$90.41 – PAID IN FULL**

- **NEXT TWO MEETING DATES: December 22, 2014 (Monday, Room 314) &  
January 20, 2015 (Tuesday, Room 120);  
January 26, 2015 (Monday, Room 314, Hearings Only-Tentative) @7:00 p.m.**

- **MEETING ADJOURNED:**

- **HOLIDAY HOURS**

- **\*\*\*The Licensing Board has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 27, 2014, as follows:**
- **Hotels, Restaurants, Taverns, and Clubs may sell Alcoholic Beverages during the usual hours. (8:00 a.m. until 2:00 a.m.)**
- **“Package Goods” Stores may not sell or deliver Alcoholic Beverages at any time during the day: **but** they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before.**
- **Manufacturers and Wholesalers and Importers shall make no sales or deliveries at any time during the day**

*The members and staff of the Licensing Board would like to take this opportunity to wish everyone a Happy Thanksgiving!!!!!!*

