



Licensing Board

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

****View Agenda****

LICENSING BOARD MEETING

-MINUTES-

Monday, March 24, 2014

Ashley Room (120) – 7:00 p.m.

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

MOTION TO ACCEPT THE MEETING MINUTES OF FEBRUARY 24, 2014 - Unanimous

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

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

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

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

Change of Manager - Trans. # 038 – Plot # 53—131 – LATE FILE

Ribeiro Brothers, LLC d/b/a The Pour Farm Tavern & Grille, 780 Purchase Street, is requesting the approval of Noah A. Griffith, who resides at 34 Viall Street, New Bedford, MA. as their new manager.

Approved By ABCC – 03/18/14

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

Change of Manager - Trans. # 080 – Plot # 96—41 – LATE FILE

P & G Bowling N.B., Inc. d/b/a Wonder Bowl, 66 Hathaway Road, is requesting the approval of David M. Saucier, who resides at 95 Mendall Road, Acushnet, MA. as their new manager.

Approved By ABCC – 03/18/14

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

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.

VOTED: To accept the disapproval from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved. – **Unanimous**

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.

VOTED: To accept the application back from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon receipt of a DOR Certificate of Good Standing has been submitted. – **Unanimous**

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.

Present: No One Was Required To Appear

Mr. Nanopoulos informed the Board that this was just simply a transfer of ownership from the father (Manuel R. DeMelo) to his two sons Ryan S. DeMelo (50%), and to Troy M. DeMelo (50%) who is also the current manager, and who will remain in that position; a change of officers and directors is also being requested reflecting the change of ownership.

Voted: Commissioner Craig made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

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.**

Present: Albert Cardoso, Proposed New Manager

Responding to questions from Chairman Beaugard, Mr. Cardoso stated that he's had no prior experience in managing bar but he's been a member of the 'club' for over 40 years; and that he's bartended there in the past, and that he knows the basics. When asked by Chairman Beaugard if he was T.I.P.S. Certified, Mr. Cardoso stated that he was not.

When asked by Chairman Beaugard if he was familiar with rules and regulations in terms of the hall rental as it relates to who you can or cannot rent the hall to, and the regulations regarding underage events, Mr. Cardoso stated that he was.

When asked by Chairman Beaugard if he understood that being the manager was a big responsibility, especially of a club this size that serves alcohol, Mr. Cardoso stated that he did.

When asked by Chairman Beaugard as to how many hours would he be on site as the manager, Mr. Cardoso stated that he would be on site about 25-28 hours a week.

When asked by Chairman Beaugard if any of those hours would occur during the busiest times on Thursday, Friday, and Saturday nights, to which Mr. Cardoso responded, a lot of it but I will arranged to have my assistant manager there when I'm not, and I'm only a phone call away.

When asked by Chairman Beaugard as to how much experience the assistant manager had, Mr. Cardoso responded, "he knows even better than I".

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. Cardoso 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; and that all the staff be certified as well. – **Unanimous**

3. PETITION - Trans. #027 – Plot # 108--8

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.**

Present: Luis Vieira, Proposed New Manager along with his wife Maria Vieira.

Responding to questions from Chairman Beaugard, Mr. Vieira stated that he's been a member of the club for about 35 years, but he's had no prior experience as a manager or as a bartender; and that he usually helps at the club serving food, as well as helping the bartenders.

When asked by Chairman Beaugard as to what he knew about the renting of the hall up there, Mr. Vieira stated that he never handled it.

When asked by Chairman Beaugard as to the number the hall holds, Mr. Vieira responded, about 400.

When asked by Chairman Beaugard, there's nobody in the club that has more experience in handling a building that size, and who can manage it, rather than you; to which Mr. Vieira responded, the president of the club.

When asked by Chairman Beaugard as to why he wasn't applying to be the manager, to which Mr. Vieira responded, he's the manager right now but the Board of Directors voted for me to be the new manager.

Chairman Beaugard responded, the concern I have is that its not a small club with a corner function hall, you've got a big operation up there, and it really requires somebody from where I sit, that has some managerial experience in being able to control a crowd ... control the environment ... control who's renting and signing the hall rental agreements ... being to answer the right questions ... so you're not getting unexpected surprises at 8 o'clock on a Saturday night ... when you think it's a 25 year old birthday party ... and you find out it's a 'Sweet Sixteen Birthday Party' ... so I'm a little concerned that you don't have enough experience for a place this size ... the gentleman that appeared before you didn't have much experience ... but it was a much smaller scale ... a much more learning capable scale than it is going into a function hall that seats 400 people ... that's difficult.

When asked by Commissioner Almeida if there was anyone else there that could help him, Mr. Vieira responded, I've got my second manager ... he's a guy that will help me out

When asked by Commissioner Almeida if the second manager had any experience as a manager or in the

service of alcohol, Ms. Vieira asked if she could speak, to which Chairman Beaugard responded, most certainly.

Ms. Vieira stated that her husband has been training over the last few months, and during that time, they've had large functions and he's been in charge of ordering and everything.

When asked by Commissioner Craig as to who was helping and supervising him through the training, Mr. Vieira responded, the current manager.

When asked by Commissioner Almeida, the current manager is stepping down but he's not leaving the club is he? Mr. Vieira responded, no, he'll still remain as the president of the club; and if I need something, I can go to him to help me out, he's been there for over thirty something years.

When asked by Chairman Beaugard as to what his name was, Mr. Vieira responded, Edmundo Amaral.

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. Vieira 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; **the motion passed on a 2-1 vote, with Chairman Beaugard opposed, citing the applicant's lack of experience for a facility of that size.**

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

Allen Street Convenience, Inc., Jose M. Raposo, President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Jose M. 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.

Present: Jose A. Raposo, Applicant and Proposed New Manager;

Responding to questions from Chairman Beaugard, Mr. Raposo stated that he was applying for a license to sell beer and wine only, and that the request was being based on the requests of neighbors and customers to be able to purchase beer and wine, since there wasn't a package store in the area; and that it would be part of his variety store. He also stated that he lives in the apartment above his store.

When asked by Chairman Beaugard if he had been in the beer and wine business in the past, Mr. Raposo responded, no I haven't but I know what to do ... I've been in business for a while ... I've been in business for over 9 years with the last 4 years at this location but I've never had a beer and wine license; but I know I have to ask for I.D.'s.

When asked by Commissioner Almeida if he was T.I.P.S. Certified, Ms. Raposo responded, we don't even know what it is.

When asked by Commissioner Craig as to how many employees they had employed there, Mr. Raposo responded, that it's a family run business, that includes his wife and son who is 41 years old, nobody else.

When asked by Commissioner Craig as to how the liquor deliveries would be made to the store, Mr. Raposo stated that the deliveries would be made on the Oak Street side, which would be through the rear entrance/exit of the store, as is the case with all the other deliveries; and that they've never had any problems with deliveries. Chairman Beaugard questioned if there was a 'public need' for a new beer and wine license in that area with the Butcher Shop just down the street, to which Mr. Raposo responded, that's way down the street.

Ms. Raposo stated that they have so many people that come in to buy cigarettes ... to buy lottery ... they always ask us why we don't carry beer & wine.

Seeing no further questions from the Board, Chairman Beaugard then asked if there was anyone present who wanted to be heard or be recorded in favor of the petition, on a show of hands, Chairman Beaugard allowed each to speak.

The first person to be recognized in favor of the petition was Gary Medeiros of 292 Allen Street, who stated, as

far as the deliveries are concerned ... I've lived in the area for 34 years ... I lived there when Ralph's Mazda was on Allen Street, where they used to deliver cars ... tractor trailers used to come down the street to deliver cars with no problems ... so I don't think deliveries will be a problem.

The next person to be recognized in favor of the petition was Cynthia Edwards, 100 Oak Street, who stated, I've been a neighbor for 9 years ... we in the neighborhood would love to have this at Joe's ... it would be convenient ... and you would not have any trouble with deliveries because my house is right there ... and as a neighbor, there's never been any problem or trouble with deliveries ... I'm definitely in favor of it as are a lot of our other neighbors who just didn't want to come down ... and we would really appreciate it, if this license was approved.

The next person to be recognized in favor of the petition was Anna Wright, 102 Oak Street, who stated that she was present to show support of the petition.

Chairman Beauregard then asked if there was anyone present who wanted to speak or be recorded in opposition of the petition, upon hearing and seeing none, Chairman Beauregard closed that portion of the hearing, and called for a motion, if the Board had no further questions.

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. Raposo 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; and that all of his employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed, **the motion passed on a 2-1 vote, with Chairman Beauregard opposed, citing the lack of public need.**

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.

Present: Atty. Walter Faria along with Albert J. Santos, Applicant and Proposed New Manager

Responding to questions from Chairman Beauregard, Atty. Faria, speaking on behalf of his client stated, Mr. Santos' is currently in the process of renovating a building on Co-Op Wharf that used to be an active restaurant and bar, called 'The 'Mutiny' ... Mr. Santos, who's proposing a quality seafood restaurant, is the president of High Grade Ocean Products, and he plans to use his expertise in providing quality seafood in a very nice atmosphere in New Bedford.

Atty. Faria continued his comments by stating, as the plans that are before you indicate; the plan is to have outside seating, which will be covered by a tent; and he will provide as much outdoor seating as he can depending on the weather ... the building, which is in a very nice location in the city, is now going through extensive renovations ... I think it's going to be a very positive project for the city and a very nice restaurant for the people in the city and for those outside the city to dine in.

Atty. Faria concluded his remarks by stating, Mr. Santos is a very prominent businessman in the area and I would say a very generous businessman in the area, who donates to many charities ... he has vast business experience ... he lives in the area ... so we'd like to see this project go forward.

When asked by Chairman Beauregard as to what time would the kitchen be open until, Mr. Santos responded, probably 10 o'clock, Sunday thru Thursday and 11 o'clock on Friday and Saturday, and the bar would be open until 2:00 a.m.

When asked by Chairman Beauregard if they planned to have entertainment, Mr. Santos responded, on the patio outside.

When asked by Chairman Beauregard if the patio was a year round patio or seasonal, Mr. Santos responded, a little longer than seasonal ... I'm putting a tent over the top with sides ... so it possibly could be used into November ... I think starting in December with air coming up through the deck, it probably might get too cold.

When asked by Chairman Beauregard as to when they planned to open, Mr. Santos responded, hopefully, Memorial Day.

Chairman Beauregard then reviewed the plans with the applicant, including the amount of seating inside the building, which indicated there would be seating for 65 patrons in the bar area, and that the dining area would have seating for 85 patrons, for a total capacity of 150 people inside; along with a capacity of 180 on the deck, which would include a bar area and dining area.

When asked by Chairman Beauregard if there would be entertainment outside under the tent, Mr. Santos responded that there would be.

When asked by Chairman Beauregard, during the summer months when the sides of the tent are up, what would the mechanism be to keep people from walking off the deck with alcohol? Mr. Santos responded, the plan is to have a full railing around the entire deck.

When asked by Chairman Beauregard as to how one would gain access to the deck, Mr. Santos stated that there are stairs and a handicap access ramp directly onto the deck or through the main entrance of the restaurant but you don't have to go into the restaurant first to gain access to the deck.

When asked by Chairman Beauregard as to what type of music (entertainment) do you anticipate having outside, Mr. Santos responded, basic music ... being the summer ... Jimmy Buffet type music ... it's not a concert venue ... it's basically music to go along with the eating and drinking.

When asked by Chairman Beauregard as to what time they planned on ending the music outside, Mr. Santos responded, we would be in accordance with whatever the Board allows; the main focus of the business is the summertime.

When asked by Chairman Beauregard if all the employees would be T.I.P.S. Certified, Mr. Santos responded, I have a General Manager ... an Assistant Manager ... an Executive Chef ... a Bar Manager ... a Sous Chef ... five of them.

Atty. Faria also responded to the question by stating, Mr. Chairman, I would just add too, all the people he's hired have been in the business for quite some time ... they're not new people in the business ... in the restaurant business ... they've been there for a long time.

When asked by Chairman Beauregard if he understood that even with the five managers, you're still ultimately responsible for anything anybody does, Mr. Santos responded, "yes".

Mr. Santos also stated, the premises is located on Pier 3, so we have a license from the city ... so we have the whole pier for parking ... and there are 7 festivals a year that will be held on the pier.

When asked by Chairman Beauregard as to what would happen to his parking when those events are taking place, I have a deal with the city to give up the parking lot for the city to use it ... and we'll use the parking down the street at the Whales Tooth Parking lot that the city is giving to us ... so we'll have a bus and valet parking for those 7 festivals a year.

With Chairman Beauregard's permission, Mr. Nanopoulos asked Mr. Santos where the stage would be set up and in what direction would the speakers be facing, to which Mr. Santos stated, the stage would be on the south side of the deck and the speakers would be facing the restaurant in a northerly direction away from the downtown area.

Commissioner Almeida then addressed the issue as to what time the entertainment should cease on the deck, and the Board was in agreement that midnight was a reasonable time, which was consistent with prior stipulations imposed by the Board.

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. Santos 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; and that all of his employees be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed; **and that all ‘outdoor entertainment’ must cease at midnight. – Unanimous**

NOTE: Mr. Nanopoulos informed those present that the application would not be sent up until a Certificate of Good Standing was submitted on the seller’s behalf.

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 along w/Copy of the Police Detail Contract*)

Note: Previous events licensed for **Wine & Malt only**.

Present: *Javier Rojas and Grisay Rojas, Applicants*

When asked by Chairman Beaugard, am I correct in saying that the only difference I see is the request for full alcohol rather than just beer and wine, which you’ve requested in the past, to which Mr. Rojas responded, “Yes”.

When asked by Chairman Beaugard as to what his thought process was in putting all alcohol outside, when you have the restaurant right there, Mr. Rojas responded, one of the reasons is that a lot of people eat inside of the restaurant and that the food is the one that sells more; but in the previous years, I’ve had the problem where people didn’t want to go outside because there’s no alcohol; and added, they’re not asking for much, so that they can eat outside.

When asked by Chairman Beaugard as to what alcohol he was looking to put outside, Mr. Rojas responded, I’m not looking to put a full bar out there, maybe about 5 drinks, such as Hennessey ... Sex on the Beach ... Pina Colada ... Margaritas with Tequila ... so, I’m just planning on having 5 different drinks.

When asked by Chairman Beaugard if he was planning to serve shots, Mr. Rojas responded, no, just mixed drinks over ice in an 8 oz. cup.

When asked by Chairman Beaugard as to how the alcohol would be dispersed in comparison to the beer and wine that was served in the past, Mr. Rojas responded, I plan on serving the alcohol in the area where the food is going to be served outside in the parking lot located on the side of the building facing the street.

When asked once again by Chairman Beaugard as to why they wanted to make the change to all alcohol since they haven’t had any problems in the past with just beer and wine, Ms. Rojas responded, because the stage ... the entertainment ...the music ... is outside, and people don’t want to be inside away from the entertainment ... they want to be able to eat and enjoy the music and entertainment.

When asked by Chairman Beaugard, they won’t drink the beer and wine, Mr. Rojas responded, the problem is that some people don’t drink beer ... especially the women ... they only drink mixed drinks ... so they have to stay inside ... but they don’t want to be inside ... they want to be outside where the music and entertainment is ... and I also want to sell more food but there’s not enough space inside.

When asked by Chairman Beaugard if they were going to eat outside, Mr. Rojas responded, yes, under the tent where tables will be set up.

When asked by Chairman Beaugard if were anticipating having more than five bottles (types) of liquor outside, Mr. Rojas responded, no, just five.

When asked by Chairman Beaugard as to who would be serving the alcohol, Mr. Rojas responded, I’ve being doing it myself and I also have certified people to help.

When asked by Chairman Beaugard, if all the people serving outside would be certified, Mr. Rojas stated that they would be.

When asked by Capt. Vicente if it was clarified if there were going to be shots served outside, Chairman

Beauregard stated that he asked that question earlier, and Mr. Rojas stated “that there would not be any shots served outside”.

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

VOTED: Commissioner Almeida made a motion to take up **Item #'s 7 - 16** at one time; waive reading; and approve the applications as presented – **Unanimous**

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)—LATE FILE

New Bedford Art Museum/Artworks, Lindsay Mis, Event Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an ‘Opening Reception’, to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, April 4, 2014 from 6:00 p.m. until 8:00 p.m.**

9. 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.**

10. 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.**

11. APPLICATION, (No Representation Required)—LATE FILE

New Bedford Art Museum/Artworks, Lindsay Mis, Event Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘N.B. Art Museum Fundraiser’, to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, April 25, 2014 from 6:00 p.m. until 9:00 p.m.**

12. APPLICATION, (No Representation Needed)

Club S. S. Sacramento Scholarship Committee, Rosemary Rebello, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Wine Tasting Scholarship Fundraiser’ to be held on the **Madeira Feast Grounds (Main Pavilion)**, located on **Madeira Avenue**; and to be held on **Saturday, April 26, 2014 from 6:00 p.m. until 9:00 p.m.**

13. 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.**

14. 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.**

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

United Way of Greater New Bedford, Victoria Grabela, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Clambake Fundraiser’ to be held on **Pier 3 – Under a Tent**, and to be held on **Friday, June 13, 2014, from 5:00 p.m. until 11:00 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)
“No Changes”

16. 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.

VOTED: Commissioner Almeida made a motion to remove Item # 17 from the table. – **Unanimous**

Tabled at 02/24/14 Meeting

17. 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 Beaugard, 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 Beaugard 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 Beaugard, 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**

Mr. Nanopoulos informed the Board that Mr. Moura came in today and met his obligations regarding his outstanding tax title issues by becoming current with 2014 taxes, as well as making a payment of 25% of his tax title amount, and entering into a re-payment plan with the Treasurer; and that he was allowed to renew his license today, upon showing proof of payment of his taxes as stated earlier. Mr. Nanopoulos made a recommendation that based on the information provided, no further action is required.

VOTED: Commissioner Almeida made a motion to follow the recommendation and take no further action. – **Unanimous**

18. 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 to 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.

Present: Jack Custodio, Manager along with Mark Custodio; Officer Michael Paiva, Detail Officer

Mr. Nanopoulos informed the Board that the 'club' still hasn't submitted an application to address the changes in the corporation, and their previously stated intention to change the manager of record.

Mr. Nanopoulos also stated that we recently had an issue with a hall rental regarding an event for which a 'hall rental agreement was not submitted to this office as required by the Board, in which a promoter went to see Officer Paiva seeking a police detail for a promoted event at the club; the police detail was denied and the matter was referred over to the Licensing Board office.

Mr. Nanopoulos then handed out copies of a couple of the hall retail rental agreement that he's received thus far, and pointed out that a couple were filled out properly, but the others were not; and requested that the Board review them with Mr. Custodio, as well as to instruct him for the record, as to how they should be filled out; Mr. Nanopoulos also informed the Board that it was his understanding that Mark Custodio would be the manager, once an application has been submitted and approved.

Chairman Beaugard opened the hearing by asking Officer Paiva to provide the Board of the details of the promoter's request for a police detail, to which Officer Paiva stated the following:

I was approached by a gentleman who came up to my office ... who stated that he wanted to hire a police detail ... when I asked him what for ... and he said, well, I'm a promoter and I'm going to be renting the hall at the United Fishermen Club to have a party ... so I asked him if he was promoting it ... and he replied, I'm advertising it ... I'm telling people ... and I responded, it's my understanding ... but to be clear ... you have to go over to speak to someone over at the Licensing Board ... and they get you up to speed as to what's a promotion and what's not ... but this clearly constitutes a promotion ... so I suggest that you go there first and come back here, if Nick says it's okay but I think you're clearly violating what was told to the United Fishermen Club ... the United Fishermen holds the license ... and they have to make the determination ... we've been through this dance before with them ... he left and I never saw him again ... I guess it was Mr. Braz that had it last ... we've gone through this dance a few times ... it seems that they're always in a turnover situation ... and we're getting another manager and that new manager has to be brought up to speed and educated to what the rules are as to what or what they cannot do ... so I guess that's what prompted this meeting ... I think they want to be in good graces ... they want to do it right ... but they just have to be told ... I thought Mark (Custodio) was the manager until today when I realized that his father was the manager ... but his father is in the process of stepping down ... so I don't know who to work with here ... and we have to be clear on certain things ... so there's no confusion on anyone's part with regard to the use of promoters ... I know Mark has come in and has asked me a few things ... I also told him that there is great resource over at the Licensing Board (Mr. Nanopoulos) and that he should go over to him if he had any questions ... that way there won't be any problems.

Officer Paiva concluded his remarks by stating, I even told them (the club) ... if they're hesitant about renting the hall and they wanted a detail ... they should tell them ... you want to use my club ... we're going to charge you a for a detail rate ... so we can hire a detail ... because we're concerned that this thing may get out of hand due to the amount of people they're expecting ... the type of crowd the music or entertainment may attract ... I also told them that they should have someone keeping track of how many people are in ... so they stay within their capacity load ... I'm hearing their capacity is around 800 ... I don't know if that's true ... but I know Fire Prevention went in one night on an inspection, and they were close ... also, if you want a police detail for a specific event ... you can't wait until the day before the event ... if you come in too late ... we may not be able to fill it ... at least we've had some dialog ... at least he's (Mark Custodio) come to my office ... and we've tried to sort these things out.

Chairman Beaugard responded to Officer Paiva's comments by stating, but we did have these conversations ... I understand we've had changes in ... I'm not sure I would call them active managers ... but change of managers who needed to be approved from Boston ... but when Atty. Markey was representing you ... we went through the rules and regulations ... and about the need for these forms to be submitted to us ... it was

explained very clearly of what was expected of the management at the Fishermen ... and I know of certain events that were held down there for which we didn't receive a copy of the hall rental agreement.

Mr. (Jack) Custodio responded, I told him to fax everything for the parties ... but I don't know anything about this party here.

Mr. Nanopoulos informed the Board that he received some hall rental agreements that were written up properly, so he was able to decipher what type of event was being held; but the one in question is written in a manner that does not reflect what the promoter told the Detail Officer.

Responding to Mr. Nanopoulos's comments, Chairman Beauregard asked Mr. Custodio, what type of event is it? There's a big difference between a hip hop promoted event compared to a dance where 60 year old people are coming in.

Mr. Custodio responded, that was a big party last month with a singer and with a dinner ... I guess there was a misunderstanding ... I called the Secretary (John Santos) to call for a Police Detail ... but I guess he screwed up on that ... and the police showed up later and stayed there.

Chairman Beauregard responded, see that's the problem right there, Mr. Custodio ... every time we have a problem with the Fishermen's Club ... and the club gets called in ... we're told it's always someone else ... and it's always a screw up ... we've got to somehow put an end to the screw ups ... and figure out who's in charge here ... as Mr. Nanopoulos spoke earlier on ... we still don't have the proper paperwork to submit to Boston ... we were waiting for a Certificate of Good Standing ... I understand that's been received ... but to the best of my knowledge, we haven't received it as of yet.

Mr. Nanopoulos informed Chairman Beauregard that the whole application has not been received including the DOR Certificate.

Mr. Custodio responded, after I spoke with Mr. Nanopoulos ... I called Mr. (Tony) Cruz ... and I told him to give the application to an attorney ... he said, no, we can save money but he was going to talk to him again tomorrow ... and I'm going to tell him to bring the application over to an attorney.

Mr. Nanopoulos reaffirmed to Mr. Custodio as to what he had stated to him in his earlier conversation, that neither he (Mr. Nanopoulos) nor the Board can tell him that he has to use an attorney ... but I spent quite a bit of time with him ... and I gave him an application that was marked up in red ink with all the proper information that was required ... I spent over an hour and a half on two different occasions (Chairman Beauregard interjected, and I spent an hour on the phone with him.).

Mr. Custodio responded, I think everything is there except for the DOR Certificate.

Chairman Beauregard responded, it's my understanding that you have a certificate from the DOR, to which Mr. Custodio responded, Tony's supposed to ... we have from the state ... and he's supposed to get it from the DOR ... that was the only paper that he told me that was needed.

Chairman Beauregard responded, but this has gone on way too long ... we've allowed you to stay open and we're no closer to resolving this matter.

Mr. Custodio responded, I understand and I apologize.

Chairman Beauregard responded, we're trying to keep you open because you've spent a substantial sum of money in renovating the establishment ... but then when we do that ... and when we go and allow you to be the acting manager until such a time as we get an approval ... issues like this come before us ... we just can't allow you to do what you want down there ... because you've have an eight hundred person function hall down there that you spent a fortune fixing up ... it's just not going to happen!

Mr. Custodio responded, I understand that but we were told that we had until April 4th to get it on the April Agenda.

Mr. Nanopoulos informed Mr. Custodio that he reviewed all the information with Mr. Cruz and marked up the application, so the only thing he has to do is to re-do the application with the information he verified and noted, to which Mr. Custodio responded, I will talk to him tomorrow again.

Mr. Nanopoulos then informed the Board of what has occurred since the last time they met with the United Fishermen Club by stating, the last time they came before the Board in November ... Mr. Custodio was told by the Board that he would be allowed to be the acting manager ... and that he was the only person that was allowed to contact the Board on the club's behalf ... since then, his son has come in during which time I spent 45 minutes to an hour with him and went over everything with him ... a week later, Mr. Cruz comes in during

which time I spent another 45 minutes to an hour with him and went over everything again with him ... a week later Mr. Cruz comes in again at which time I spent another 45 minutes with him repeating what the Board told Mr. Custodio ... what I told his son ... what I told Mr. Cruz the first time ... I worked with Mr. Cruz for over an hour ... I reviewed the application and noted the necessary changes and spoke to the ABCC to ensure what would be submitted was correct ... which took me almost a day and half on ... which I'm not required to do ... and because of liability issues ... it's something I should not do ... but I tried to assist them in every way possible to ensure the application was submitted for approval in a timely manner ... I called Mr. Cruz to come in to get the amended application ... I reviewed all the corrections with him to make sure they were correct ... and I told him that he only had to go online and fill in the application as noted and print it out ... and then get the required signatures ... I asked him if he understood and he responded that he did ... he takes it back ... the next day I get a call from Mr. Custodio asking me , what are these papers?

Mr. Custodio responded, very confused! (To everyone's amusement.)

Chairman Beauregard responded, I'm going to tell you what we're going to do ... and we'll take a vote on it tonight ... if this does not get on the next agenda ... we're going to close it down ... it's that simple ... we're not going to continue with continuing resolutions ... we're not congress ... we're going to make a decision ... we're going to close it down ... and that's going to be the end of it until you get your paperwork in order ... how long has it been now ... a year?

Responding to Chairman Beauregard's question, Mr. Nanopoulos informed the Board that it's been over a year, if in fact, the office became aware of the changes that needed to be made in November of 2011; and that the first application for the changes that are still being discussed and that are still pending, was filed in December of 2011.

Mr. Custodio responded, it's not my fault, to which Chairman Beauregard responded, I'm blaming the United Fishermen Club.

Responding to Mr. Custodio's comments that he called him, Mr. Nanopoulos asked Mr. Custodio, did you ever notify the Licensing Board that you resigned as manager over a year ago? ... Did you ever submit a letter to the Licensing Board indicating that you resigned as the manager of the United Fishermen Club?

Mr. Custodio responded, No, but you never told me that.

Chairman Beauregard responded, you need approval coming in ... and you need approval going out ... somebody has to be the manager ... you just can't walk away without notifying the Board ... you come in and want me to put faith and trust in you in running an 800 seat operation and function hall ... and I have to have faith in you that you know what's going on ... and if you don't ... then, how am I supposed to sit here and say ... ok, you have the ability to supervise 30 employees serving alcohol for an 800 person function ... and not over serving ... not over pouring ... not serving to intoxication ... I'm not getting the feeling that everything is running smoothly down there ... I've gotten calls from a bookkeeper down there who is now gone ... now Mr. Cruz is in charge ... he's got Albino Dias doing the accounting ... I'm getting calls from him ... I don't know if it's just a stall tactic ... are you just bringing in different players to confuse the Board ... no one person seems to be in charge ... if the club is playing games ... then, this Board is done playing games.

Mr. Custodio responded, no ... no ... no ... the past three years have been bad but the past year has been the best, to which Chairman Beauregard responded, you haven't had a manager in a year and a half ... how have things been good ... they're not good from where we sit ... you had the Department of Revenue in recently ... you've had back tax issues ... the state has been in there ... how's that good ... I don't see anything good.

Mr. Custodio responded, that's what I'm saying ... it's bad ... for the past three year ... it has been bad ... but we're trying to fix it ... they left the club in a big mess ... in a big mess ... financially ... money gone ... but I don't want to say anything.

Chairman Beauregard responded, well, maybe it's time the club locks the door and lets somebody else come in and take over, to which Mr. Custodio responded, No, we're going to straighten it out ... but we're going to need some time but we're getting there.

Chairman Beauregard responded, you're getting as much time as it takes for us to get it on the April agenda ... we need an application here by April 4th ... if you don't have an application pending for the next meeting ... we're going to shut it down.

Mr. Custodio responded, Well, Mr. Cruz said by April 4th, to which Commissioner Craig responded, you need to speak to Mr. Cruz tomorrow, if he doesn't have it ready, you need to spend some money and take it to an

attorney to make sure that it's ready (submitted) by April 4th ... sometimes you have to spend a little money to make sure it gets done.

Mr. Custodio responded. I will make sure it gets done.

When asked by Chairman Beauregard, moving forward, who will be responsible for the booking of the events in the hall?, Mr. Custodio responded, if I'm there ... I'll do it ... If I'm not there ... it's him (Mark Custodio) and the Treasurer (Manuel Gil).

When asked by Chairman Beauregard, so you're the only three that will approve a function? Mr. Custodio responded, yes ... and added, he (Mark C.) works full time there ... I'm there after 4 o'clock.

When asked by Chairman Beauregard, so it's you, Mark, and Mr. Gil, which makes the three, that can approve the rental of the hall, do all three of you understand what's expected of you when you rent that hall? Mr. Custodio stated that they do.

When asked by Chairman Beauregard, including the use of promoters, to which Mr. Custodio also stated, "Yes".

Chairman Beauregard asked once again about the use of promoters, we went through that during the last meeting we had with you relative to what you can and what you cannot do when renting the hall, Mr. Custodio responded that he did.

When asked by Chairman Beauregard, you clear? Mr. Custodio responded, we need a police detail.

When asked by Chairman Beauregard if he knew what a promoted event was, Mr. Custodio responded, it's someone who's going to put a show on in the club, to which Chairman Beauregard responded, no, it's when you turn over control of the club to someone else ... like when that gentleman we spoke about earlier tonight who turns up over here ... and it's not you ... it's not Mark ... and it's not Mr. Gil ... it's when a third party comes in ... and says, I'm now taking over the Fishermen's Club on Friday, April 15th ... and I'm going to do an event there ... and he's controlling the event ... and you have nothing to do with it ... he's making the money at the door ... he's rented the hall from you ... you can't do that ... you're responsible at all times for what goes on in that hall ... and that's why you're here today ... because somebody showed up at the detail office and said I'm promoting an event ... related to the placards you see all over the telephone poles and barbershops all through the city ... they're also on Facebook ... they're on Twitter... it ends up all over the place ... and then everybody in creation finds out about it and shows up at the club ... and you end up having 800 people and the Police Department don't know anything about it. ... and you've had some incidences down there ... when the police showed up ... there are fights all over the place ... there's only 15 of them and there are 800 of them ... it's not fair to the police ... and you're putting their lives in danger ... that's why we've asked you to fill out the 'Hall Rental Agreements' ... so they now know in advance if you anticipate 800 people at an event ... that you are hiring a police detail ... they know what type of event you're having ... we're smart enough to read these and kind of get a feel of what type of clientele you're inviting in for the evening ... so if we know it's a 60 year old birthday party ... it's going to be a different venue ... then if you're doing something that's catering to the 25-30 year olds ... so when the agreements are reviewed ... either Mr. Nanopoulos or the police can now determine if a police detail is required, and if so, how many would be appropriate ... so if it's a 60 year old birthday party ... you may not need a police detail ... but if you're having an event and you're anticipating 800 people coming in for a hip hop event ... a rock event ... or a DJ event ... it would probably be wise to have a police detail ... it may need 8 of them ... whatever that number happens to be ... but we don't know that ... and that's why we're asking for your co-operation ... and when it comes to these hall agreements ... we're looking for mandatory co-operation, which may be an oxymoron ... but that's what's required.

Mr. Custodio responded, I'll try my best, to which Chairman Beauregard responded, I don't want your best ... I need you to listen to what I'm saying ... because every time we have this conversation ... whether it was with Mr. Braz or with you ... we're not getting that co-operation ... because we're finding out about events like the one that was brought to my attention by Officer Paiva ... for which nothing was submitted to this office notifying us that the hall was being rented and for what type of event ... and we know that you've had other events down there that have not come through us on these 'hall rental agreements'.

Mr. Custodio responded, all the events we did, I guess they faxed all the papers, to which Mr. Nanopoulos responded, you have an event on April 4th, for which there's a poster hanging at No Problemo, for which we did not get a hall agreement for; and it's also for the event the promoter went to see Officer Paiva on, to get a police detail.

When asked by Commissioner Craig as to when the form should be submitted, Mr. Nanopoulos responded, as soon as the event is booked, so the information can be reviewed in a timely manner.

Mr. (Mark) Custodio confirmed that the event was the one that the promoter went to see Officer Paiva on, to which Officer Paiva responded, that's news to me ... I thought it came and went ... see, that's what I mean ... I don't know what's going on.

Upon receiving Chairman Beauregard's permission, Mr. Nanopoulos addressed the issues regarding this promoted April 4th event by stating, there's an event out there that's being promoted with posters all over the city that this office has not been notified of ... by someone that's not affiliated with your club ... there are posters out there already ... and the Licensing Board and the Police Department know nothing about it ... and today is March 24th ... and the event is April 4th ... so the hall was booked ... because I don't think the promoter would have put posters out there if it wasn't.

When asked by Capt. Vicente, as to what type of event it was, Mr. (Mark) Custodio responded, it a promotion ... he is promoting an event.

Capt. Vicente responded, see ... you just said the magic words ... it's a promotion ... he's promoting the event ... that's what the Board is trying to get through to you ... so you agree it's a promoted event, to which Mr. (Mark) Custodio responded, yes, it's a promoted event. Upon hearing it was a promoted event, Mr. Custodio said to his son, we're going to have to cancel that.

Chairman Beauregard responded, we've had a number of these and the only time you cancel them is when you're caught.

Officer Paiva responded, I started this conversation by saying I never knew what happened to that guy ... I never saw him again ... and you're saying this party is still coming on ... that's news to me ... you (Mark Custodio) see how problems start when you're not transparent.

Mr. (Mark) Custodio responded, I know Nick and I have talked about this a few times ... but what about fundraisers for which tickets are sold ... they're promoted ... I have Team Noah and others ... just to clarify the whole issue of promoting ... are we not supposed to have these types of events, to which Chairman Beauregard responded, those aren't promotions ... those are fundraisers ... fundraisers are fine ... it's when you turn the establishment over to a third party ... and they bring in their own security team ... they bring their own door people in ... they contract their own Police Details as was the case with this event ... they shouldn't be hiring police details ... you should be hiring the police details ... so now you've got a situation where the promoter says ... I didn't get my way with Officer Paiva ... so I'll just go around the door and hold the event on April 4th anyway.

When told by Chairman Beauregard that he should be hiring the police details, Mr. (Mark) Custodio responded, I don't know why he went there.

When asked by Chairman Beauregard, the event is a week away, was he going to get a police detail, Mr. (Mark) Custodio responded, first responded, I was ... then he stated he was going to cancel it.

Chairman Beauregard responded, let's say it's still on ... how in 10 days time is he (Officer Paiva) going to line up eight guys ... people have lives.

Officer Paiva then stated, what if that night ... 800 or 900 people show up ... let us just say ... what do you do call that night and say we need five guys at 10 o'clock ... that's not fair to the Police Department.

Mr. (Jack) Custodio responded, that's not going to happen (the event taking place) ... it's not going to happen, to which Chairman Beauregard responded, only because you got caught ... but it would have if you hadn't gotten caught ... you've got placards out there advertising an event at the United Fishermen ... I'm sure if it's at No Problemo being advertised ... it's probably being advertised at every barbershop in the city ... they're taped up on light poles in the city ... this is the problem ... and we're up to here with it.

Mr. (Jack) Custodio responded, I'm sorry ... but it's going to be canceled anyway, to which Chairman Beauregard responded, that one! ... Do you have any others?

Mr. (Jack) Custodio responded, no, not as far as I know.

Mr. (Mark) Custodio stated that he would review everything he has when he gets back to the office, and that he would make phone calls if they have any.

Chairman Beauregard then instructed Mr. (Mark) Custodio that he has to do a better job of filling out the 'hall rental agreements that he's required to submit to the Licensing Board Office for all events held in the hall by

stating, you have to be more specific to what the event is ... circling fundraiser and not giving us any details as to what the fundraiser is all about is not sufficient.

Mr. (Jack) Custodio then asked, the Portuguese School is going to have a fundraiser, are we going to need a detail?

Chairman Beauregard responded, that's not for us to determine ... we'll submit the hall rental agreement to Officer Paiva and he'll decide whether or not you need a police detail ... but you need to use common sense as well ... if it 's for the Portuguese School ... you look at the event ... you look at the clientele ... we have a good basis of history in front of us as to who you're catering to ... he then can make a determination if a police detail is required ... it's all parents and kids ... it's different when you have a school fundraiser and then 40 or four hundred kids show up ... and there's only four parents there ... then it's something different ... now you have an underage event taking place ... which is not allowed ... now, it's not a fundraiser ... so how do we know that ... and now with Facebook and the internet ... it's posted ... and they're coming in from Providence ... they're coming in from Brockton ... oil and water don't mix ... and the next thing you know ... they're out in the middle of your parking lot ... somebody is getting stabbed ... or somebody is getting shot ... that's what we're here to avoid ... it's the view of this Board ... that we're giving you the co-operation you need but we're not getting the same co-operation in return.

Mr. (Jack) Custodio responded, before I left ... you never had a problem there ... for the past three years ... my name was on the license as the manager but I wasn't involved there ... Mr. Braz was elected as the manager.

Chairman Beauregard responded, the only people that can elect (approve) a new manager is these three guys (Board) right here ... you know that ... unless it gets approved here ... and it gets approved in Boston ... it doesn't matter who you vote for ... until you come off ... you're still responsible! ... If Mr. Braz rents it and 800 people show up ... and somebody gets killed ... you're the guy! ... We're coming to you ... your name is on the license!

With permission from Chairman Beauregard, Mr. Nanopoulos offered the following: For my own sanity ... since Mark Custodio is going to be the manager going forward once the proper application is submitted and approved by the Board and the ABCC ... Mr. (Jack) Custodio stated that there are three people with the authority to approve all rentals ... I would like to have Mark ... since I met with him and explained everything to him of what's required regarding the renting of the hall ... he's sat in on this meeting ... he understands what's going on ... that Mark be the one that signs off on all the hall rental agreements ... if he wants to assume that responsibility until he's approved ... and it would be his responsibility to submit all the required hall rental agreements going forward, to which Mr. (Mark) Custodio responded, yes, and accepted that responsibility.

Mr. Nanopoulos then informed Mr. (Jack) Custodio that he wasn't going to talk to him about hall rental agreements ... and that he wasn't going to talk to Mr. Cruz about hall rental agreements ... and that he would only talk to his son 'Mark' about hall agreements going forward; but informed him that it was his responsibility to make sure that Mark submitted all the required hall rental agreements, and that he would be called in for a hearing if there were any compliance issues.

Both Mr. Custodio and his son agreed to what was presented by Mr. Nanopoulos, and stated that they understood what their responsibilities were going forward.

Chairman Beauregard then addressed both Mr. Custodio and his son by stating, the second point is ... if the required paperwork is not submitted in time for the next meeting ... I assure you that we will take action ... again, hear me now ... if it isn't submitted ... we will take action at the next meeting.

Mr. Nanopoulos informed Mr. Custodio and his son that the application needs to be submitted by April 4th, so that he could review it to make sure it's complete.

Voted: Commissioner Almeida made a motion to table the matter to the next meeting (April 22nd); with a reminder that the application must be submitted by April 4th, so that it may be reviewed. – **Unanimous**

19. 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 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 other 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

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 of three (3) months with reduced hours (midnight closing) also being held in abeyance for a previous violation.

Present: Mario Gomes, Manager/Owner; Capt. Steven Vicente, Liaison to the Licensing Board along with Officers Matthew Bolduc and Henry Bizarro, Reporting Officers

Upon being asked by Mr. Nanopoulos if he had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was requested to appear before the Board based on the summary, and the list of alleged violations contained in the 'Notice', Mr. Gomes stated that he did.

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

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

Chairman Beauregard opened the hearing by asking Officer Bolduc to either summarize or read his report regarding the incident that occurred on 02/03/14.

Officer Bolduc proceeded to give his testimony to what was documented in his Police Report regarding this incident, as noted and summarized in the 'Incident Summary #1'.

When asked by Chairman Beauregard if he had anything he wanted to ask of the Officer or present as a defense regarding this first report, Mr. Gomes stated, my bartender called the police because the girls kept banging on my windows and I thought they were going to break ... that's why we called the cops ... I did say they were pushed out but they were escorted out by my two bouncers ... and I stopped the fight ... it was basically two girls on one girl.

When asked by Chairman Beauregard if that was inside the establishment, Mr. Gomes responded, yes ... but it was basically more or less of one girl grabbing the hair of another, and it took just a minute to stop ... no punches were thrown.

Mr. Gomes concluded his testimony by stating, it was just girls grabbing at each other ... right when it happened ... my guys stopped it ... we kept one girl on one side ... one girl on the other side ... and then we escorted them out ... and that was about 20 minutes of 2 (a.m.) ... and when they went outside ... they kept banging on the windows ... so that's when we called ... and I stopped everything at that moment ... we turned on the lights ... everything was off ... we ended everything for the night.

Chairman Beauregard then asked Officer Bizarro to either summarize or read his supplemental report regarding the incident that occurred on 02/03/14.

Officer Bolduc proceeded to give his testimony to what was documented in his Police Report regarding this incident, as noted and summarized in the 'Incident Summary #2'.

Upon the completion of Officer Bizarro's testimony, Chairman Beauregard asked Mr. Gomes if he had any questions of Officer Bizarro, to which Mr. Gomes responded that he had two things he wanted to clarify.

Mr. Gomes stated the Officer stated that at 2:15 ... 2:20 ... basically there were four males in there ... and they had no drinks in front of them ... they had one bottle of water in front of them ... I want to make sure that I make that clear ... if there's an issue with that ... I have no problem bringing those guys in ... it's basically two guys who have girlfriends who are bartenders ... and the two other guys were helping the bouncers.

Responding to Officer Bizarro's testimony regarding the cameras, Chairman Beauregard asked Mr. Gomes, isn't it fair to say that those cameras in there are not dummies ... didn't we not use the cameras in a previous incident that took place up there; to which Mr. Gomes responded, no ... the only other incident we had up there inside involved the correction officers who were involved in a fist fight.

Chairman Beauregard responded by asking, and there were no cameras in place at that time?

Mr. Gomes responded, the cameras I do have ... I have no problem of them coming down and looking at them ... basically the dummies are the ones on the outside ... the ones on the registers ... and the ones at the two doors are the ones that I keep ... that work ... so basically I have 12 cameras that are up ... but there are only six that work ... three at the register ... and one at each door.

Chairman Beauregard responded, but you weren't willing to share with them the ones that worked; to which Mr. Gomes responded, I would have no problem showing them it ... but like I said, they're broken ... I asked them to go downstairs to look at them ... but I'm not technically savvy ... and I haven't had a chance to pay someone to fix them ... but for whatever reason ... they're not working ... I know before I used to be able to rewind them ... but I can't do that at all.

When asked by Chairman Beauregard if he had told the officers that the cameras were dummies to keep an eye on the registers as a deterrent, Mr. Gomes stated that he did.

Chairman Beauregard responded, but in fact they're not ... they work ... they might have been broken at the time but they are not dummy cameras ... they're just not sitting up there screwed to the ceiling, to which Mr. Gomes responded, no, but the ones that work are the ones ... like I said I have twelve cameras up but only six work ... but for some reason I can get an image.

Chairman Beauregard then addressed Mr. Gomes' earlier testimony about an altercation that took place inside ... which involved some hair pulling ... a tug of war going on in the corner near the pool table ... but the report indicates that you said that there was no fight that took place inside initially; Mr. Gomes responded, I didn't say that ... what I did say was that there were some girls fighting and we pushed the girls out ... I did use the terminology ... "pushed" ... but the guys escorted the girls out ... and that's how the night ended.

When asked by Commissioner Almeida as to what time he stated the fight between the two girls had occurred, Mr. Gomes responded, truthfully I would have to say about 1:40 a.m. ... we had just given last call.

Chairman Beauregard then stated, Officer Bizarro states in his report, when we asked Mr. Gomes originally what happened inside the establishment, he stated, "Nothing happened" ... subsequently, when they saw the glass on the floor, which I'm assuming they're making a deduction ... that they're deducing from that ... something took place ... seeing the amount of all the glass they saw on the floor ... they then say ... it was at this time that Mario stated ... that there are females fighting inside the establishment near the pool table which is located on the north side of the establishment.

Mr. Gomes responded, the broken glass was either a shot glass or a Heineken bottle ... but I don't think it was

... but let's say it was ... but it was on the opposite side bar next to the men's room ... the girls never even came to that side of the bar ... when the police came ... they came to our outside door ... and I said, there's nothing going on ... we just called because the girls kept banging on our windows ... that's why we told them there was nothing going on.

When asked by Capt. Vicente as to who called the police, Mr. Gomes responded, I had the bartender call ... Jenner.

When asked by Capt. Vicente as to what she said to the police, Mr. Gomes stated he didn't know but stated he told her to call on these girls because they kept on banging on the door.

Capt. Vicente informed Mr. Gomes that the called the police received that night was a female who stated that she was up the street ... and that there was a group in the parking lot with knives ... and that they were getting ready to fight.

When asked by Capt. Vicente if that was Jenner who made that call ... that was the only call that the New Bedford Police received that night at 1:56 a.m. regarding anything to do with Dublin's ... and that the call I submitted to the Board; Mr. Gomes responded, was that a private number or a Dublin's number?

Capt. Vicente stated that Mr. Nanopoulos checked the number against all the phone numbers that were on file for Dublin's, and it did not match any numbers that were on file.

Mr. Gomes was then given the number but he could not verify if it was an employee's number.

When asked by Capt. Vicente if she used a land line or her own phone, Mr. Gomes responded, I thought she called but maybe she didn't call ... I thought the girl Jenner called ... like I said, that was the only incident we had that day ... I've been much more proactive.

When it was suggested by Capt. Vicente that he should have his cameras fixed, Mr. Gomes responded, I'll take care of that within a week ... I'll make sure it gets done.

Capt. Vicente advised Mr. Gomes that having the cameras fixed would help him so much here ... you have an establishment that attracts crowds ... you serve alcohol ... sometimes things are going to happen ... those cameras are going to help you more than they're going to hurt you ... unless you have some serious problems there.

Mr. Gomes once again addressed the camera issue but in doing so did not clarify if the cameras were working or not, and only confused matters worse with regard to the camera issue, and in the end, it sounded that he was less than truthful regarding this issue.

Mr. Gomes then stated, like I said earlier, I want to be in good standing with the Board and the City ... it's difficult ... I have been taking pre-emptive steps like I did on St. Patty's Day ... I didn't want to have any issues, so I closed up at 1 o'clock ... we got rid of everybody by 1:15 a.m. ... 1:20 a.m. ... sometimes we get a tough crowd ... I told my people to send people away when they come to the door ... I say that because they come drunk already ... and then they give shit to the bouncers ... and then I go and tell them ... I own this place ... please leave ... I'm doing the best I can ... I've been spit in the face ... and I have to take it ... I know I took on this responsibility ... I took it to make a profit ... not to lose money ... but like anything ... I have a responsibility to the City ... I want to be in good standing ... I bust my butt ... I work non-stop ... for me to come in for this ... I was amazed that I was even called in here.

Capt. Vicente responded, you were called in here because two people were stabbed in your parking lot.

Mr. Gomes responded, it didn't happen in the parking lot.

When asked by Capt. Vicente, if it didn't happen in the parking lot, then where did it happen?

Mr. Gomes responded, I wasn't outside ... I locked the doors to take care of our things ... how do you know that it didn't happen three blocks down the street?

Capt Vicente responded, because the information we got was that it did happen in the parking lot ... and the person that called ... who you said was Jenner ... and obviously she didn't call ... said that it was in the parking lot ... that they were out there with knives ... and she was calling up the street.

Mr. Gomes responded, I can promise you one thing ... I've got that side door big window ... I'm looking out the window and there's no big fight outside ... those girls that didn't want to leave ... they kept banging on my front window ... and that's why I told her to call.

Chairman Beauregard then asked Officer Bolduc to read a portion of his report (paragraph 6) into the record, which read, Officer Bizarro was speaking to victim #2, Edwin Cora; Cora, who had a stab wound to his right rib area, stated he was at Dublin's when a fight broke out between a group of girls by the pool table. Cora stated

that he broke up the fight and ended up outside of the bar with the group. When he went outside, he realized that he had been stabbed. He would not say if the stabbing occurred inside or outside.

Upon the reading of the report by Officer Bolduc, Chairman Beauregard responded, so you have the victim saying ... that he was breaking up the fight between girls ... and that he ended up outside.

Mr. Gomes responded by stating once again that the bottle was on the opposite side.

Capt. Vicente responded, this guy (victim) knows that there was a fight inside the bar between girls ... just like you know ... so ... he gets stabbed.

Mr. Gomes responded, as the owner, I take responsibility for everything that occurs in the premises ... you ask them to leave nicely ... they're going crazy ... you lock the door ... you send everybody out ... people left ... I looked in the parking lot ... there were cars there ... mostly my employees ... there was threat of security outside ... if there was ... I would have sent my bouncers outside plus myself to go outside ... police came at 2 o'clock ... there was nobody in the lot.

Officer Bolduc responded, I know you have bouncers but when the girls start fighting inside ... why wouldn't you call the police also ... because if we would have come in ... and said these girls are fighting ... and we would have cleared the place out ... and that would have been the end of it ... so if you have a fight inside your bar ... because you have bouncers ... you don't have to call the police?

Mr. Gomes responded I understand that, and if you recommend that to me to do in the future, I'll do that.

Mr. Gomes commented further, It wasn't like it was a fight ... one girl grabbed another girl by the hair and pulled her off her seat ... and it wasn't like we were busy ... we only had about 25 people in the bar ... my two bouncers stopped it ... they pushed one to one side and the other one to the other side ... we tried to calm it but it wouldn't defuse ... so we sent them outside ... one from one door ... and one from the other ... and it cleared out ... and we turned on the lights ... we kept them separately ... we kept the one girl right next to the pool table under the TV ... she was going crazy ... but we kept her there ... I think we did everything we should have done ... like I said ... nothing happened in our parking lot ... if I thought it happened in the parking lot ... it's my property ... I'd go out there myself ... I'd put myself in front of a knife if I had to ... so someone wouldn't get hurt ... what it comes down to ... if these people got stabbed on my property ... I'd probably be getting a lawsuit right now ... I get lawsuits for slips and falls ... so that didn't happen on my property.

Officer Bizarro then offered the following, the green glass was located on the south side of the bar which faces the parking lot ... also, if you go further down ... there's an exit that goes into the parking lot ... so I don't know which way ... and I can't say for sure that everybody left from the front door ... or if some of the people left from the side door (parking lot door) ... and in the process ... they could have picked up some of the green glass that was on the floor ... they could have picked it up and carried it out to the parking lot ... that's a possibility ... and again, like I indicated ... there was clear glass also located in the front portion of the entrance to the establishment ... who's to say they could have grabbed it from there ... I'm not saying they did ... but it's a possibility that they did.

In response to Officer Bizarro's comments, Mr. Gomes stated, where he said the glass was ... and I did say this a little while ago ... we brought one person through the kitchen ... the glass probably fell from either a table or the railing ... that glass definitely was not involved ... because they looked for blood ... we walked around ... he had his flashlight on ... there was no blood ... I don't even think there was hair that was pulled on the floor ... like I said ... I try my best and honestly ... I'll take anything the city wants to tell me in the sense of how to do better ... just like what he just told me ... if there's a fight ... we'll call ... I am responsible for everything that occurs at my establishment ... I understand that ... but I can't be responsible for things ... three blocks down the street.

Capt. Vicente then asked Mr. Gomes as to how long has his cameras been down? To which Mr. Gomes responded, I think quite honestly ... a couple of months.

Capt. Vicente responded, it's been longer than that ... this incident occurred on February 3rd.

When asked by Chairman Beauregard if they were up during the feast (August of 2013), Mr. Gomes responded, "no".

Capt. Vicente responded, you've been before the Board a few times here ... and it seems like ... you keep saying ... you're doing good ... you're trying to do good ... but if those cameras were up and running ... we could say ... hey, two girls got into a fight ... it happened in the bar ... but they did the best they could ... they called the police ... they broke up the fight ... they did the best they could ... things like that are going to happen

... but without those cameras there ... you've got no back-up ... those cameras could be your best possible back-up.

Mr. Gomes responded, I understand ... and now that you told me ... I'll make sure that I get them fixed ... I want to be in good standing with the city ... do you think it's worth my while to have a 'girl fight' ... and having to come before the Board on a Monday ... I try my best ... I'll tell you one thing ... I didn't have any white hairs until I owned this place ... so I've learned my lesson ... especially in this city ... it's not like I'm in the suburbs ... I'm from Norwood ... I killed myself to do what I did to build the place that I thought was going to be respectful and good ... here or in Norwood ... you tell me the difference ... If I was in Norwood ... I could have 100 people in a bar ... I guarantee you that I could have three female bartenders with no bouncers ... and I wouldn't have a problem ... you tell me the difference ... here ... If I have three people at the bar ... I still need a bouncer sometimes.

Capt. Vicente responded, maybe it's your clientele ... maybe you have to change some things ... maybe you have to start looking at this from a business perspective ... maybe it's the music ... maybe it's the entertainment ... maybe you need a cultural change inside your business ... maybe you appeal to maybe a group that won't cause you any problems ... those are business decisions you have to make for yourself.

Mr. Gomes responded, I understand that ... but you know what my problem is, too ... it's my demographics ... in the part of the city that I'm in ... let's not kid anybody ... I can't move six blocks up ... or the next city over.

Chairman Beauregard responded, we can't get into that ... those are decisions you have to make.

Chairman Beauregard then asked if anyone had any further questions, upon hearing and seeing none, Chairman Beauregard then asked if Mr. Gomes had anything further to present in his defense, upon hearing none, Chairman Beauregard called for a motion.

Prior to making his motion, Commissioner Almeida summarized, as a result of two prior incidents ... the licensee is currently on probation ... and he has a total of seventeen (17) days worth of suspensions being held in abeyance as a result of those two prior incidents ... including one that occurred within only six months of this incident that resulted in a patron also being assaulted with a knife ... which shows once again the licensee's lack of ability to ensure that no disorder or disturbance takes place in or on a licensed premise; and his failure once again to keep his premises safe.

VOTED: Commissioner Almeida made a motion **to impose a seventeen (17) day suspension and to extend the licensee's current probationary period, through March 24, 2015;** the motion moved forward on a second by Commissioner Craig; and was passed on a 2-1 vote.

Note: These seventeen (17) days were days that were already in abeyance as a result of previous violations and therefore this decision is not subject to appeal.

20. 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 -)

ACTION TAKEN: NONE

21. 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 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.

Present: No One Appeared

Mr. Nanopoulos informed the Board that although the 'Notice of Hearing' was sent out in a timely manner, the notice was never served by the Police Department, therefore, Item #'s 21 and 22 should be tabled to the April 22nd meeting; and that a new 'Notice of Hearing' will be sent out.

VOTED: Commissioner Almeida, based on the information provided by Mr. Nanopoulos, made a motion to table, agenda items 21 & 22, to the Board next meeting. - **Unanimous**

22. 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 -)

Present: No One Appeared

VOTED: Commissioner Almeida, based on the information provided by Mr. Nanopoulos, made a motion to table agenda items 21 & 22, to the Board next meeting. - **Unanimous**

- **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.

ACTION TAKEN: Received & Placed on File.

- **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 revving 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**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
---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) ---INFORMATIONAL ONLY**

- **NEXT TWO MEETING DATES:** April 22nd (Tuesday) & May 19th both in the Ashley Room - 120-
Approved

- **MEETING ADJOURNED:** 9:00 p.m.