



Licensing Board

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

LICENSING BOARD MEETING

-MINUTES-

Monday, October 20, 2014
Room 120 (Ashley Room) – 7:00 p.m.

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

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

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

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

Approved By ABCC – 09/23/14

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

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

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

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

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

Approved By ABCC – 09/23/14

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

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

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

Street, with an additional exit in the rear of the building, and one handicapped accessible entrance/exit on the west side of the building. Premise is located on the north side of Union Street between Front and Water Streets. Premises will remain the same at **29 Union Street**.

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

Approved By ABCC – 10/01/14

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

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

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

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

Approved By ABCC – 10/03/14

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

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

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

Present: Jason P. Lanagan, Owner along with Cheri Moorehouse, Proposed New Manager

Responding to questions from Chairman Beauregard, Ms. Moorehouse stated that she was the manager at Cardoza's Wine & Spirits for the catering business for three years, as well as previous to that; and that no changes were planned with regard to the day to day operation of the premises, and that she was T.I.P.S. Certified.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Moorehouse submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. –

Unanimous

Chairman Beauregard informed the Board that he had received a call from Atty. Markey earlier in the day, who stated that he would be 15-20 minutes late, and recommended that the matter be tabled until Atty. Markey arrives with his client.

Voted: Commissioner Almeida made a motion to table Item #2 until Atty. Markey arrives, and take item # 3 out of order.

– **Unanimous**

Voted: Upon Atty. Markey's arrival (8:52 p.m.), Commissioner Almeida made a motion to remove item # 2 from the table, and to take up the petition at this time (Matter was taken up prior to Item # 17)– **Unanimous**

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

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

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

Application has been advertised; Abutters have been notified.

Present: Atty. Christopher M. Markey along with Xiaohui Yang aka Shiawee Yang, Proposed Owner & Manager
Chairman Beauregard open the hearing on the petition by asking Atty. Markey to briefly tell the Board what the plans were for the license and building.

Atty. Markey stated that his client was planning on developing the property to include a small restaurant and bar at 218 – 222 Union Street, as she did with the former Standard Times Building. He added that the development should happen over the next few months but the details and the actual theme of the restaurant hasn't been determined as of yet. He also stated that he would keep the Board apprised of any changes, and inform them once they find someone to operate the space, as they did with the Standard Times space.

Chairman Beauregard reminded Atty. Markey that he would have to submit any changes in ownership or management, as well as submitting any changes to the description of the premises.

Mr. Nanopoulos informed Atty. Morad who was present representing the seller that his client would have to sign the renewal in November, and pay for the license in December, if the requested approval was not received prior to each month's deadline. Atty. Morad responded that his client was prepared to do both.

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

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

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

Application has been advertised.

Present: Steve C. Perry, Current Manager/Owner along with Jeremy J. Dias Proposed Co-Owner & Manager and Eddy P. Yedlin, Co-Owner

Mr. Nanopoulos informed the Board that the application that was before them was not complete, and that still outstanding was a copy of the lease agreement, a copy of a pledge agreement and a promissory note from the Office of Economic Development, and their Certificate of Good Standing from the DOR.

Chairman Beauregard informed those present that the Board would consider the application tonight, and if it were to be approved, it would be approved with the stipulation that they would have 48 hours to submit the missing documentation, or the Board's decision would be tabled to the November meeting for reconsideration.

Responding to questions from Chairman Beauregard, Mr. Dias stated that their intentions for the restaurant was to offer modern casual fare, from approximately 3 p.m. until 2 a.m. on Thursdays, Fridays, and Saturdays; and during the week (Sun. thru Wed.) from 3 p.m. until midnight. Mr. Dias stated that he was a full time registered nurse with the Commonwealth of Massachusetts, and that he would be working at the restaurant most evenings as well; with Mr. Yedlin being on the premises from 2 p.m. until closing on most of the days.

When asked by Chairman Beauregard as to what time would the kitchen be open, Mr. Dias stated the kitchen would be open until 10 p.m., and that they would have food seven days a week.

When asked by Chairman Beauregard as to when and what type of entertainment they were planning on having, Mr. Dias stated that the plan was to have entertainment probably 2 to 3 times a week, and that they planned on having live jazz.

When asked by Chairman Beauregard if there were any major changes that the Board should be made aware of, such as structural changes or changes in layout, to which Mr. Dias responded, "No".

Responding to questions from Commissioner Almeida as to the hours and the type of entertainment that they would be offering, Mr. Perry (the current owner) stated that the entertainment would be comprised of 3-5 piece jazz ensembles, and that the music usually starts at 8:30 p.m. and ends at 12:30 a.m.; and last call is usually between 1a.m. and 1:15 a.m.

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 following stipulations:

- The licensee has 48 hours to submit the missing documentation, or the Board’s decision would be tabled to the November meeting for reconsideration.
- Mr. Dias must 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 his servers be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 4 - 9** at one time; waive reading; and approve the applications as presented – **Unanimous**

4. APPLICATION, (No Representation Required)

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

5. APPLICATION, (No Representation Required)

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

6. APPLICATION, (No Representation Required)—“LATE FILE”

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘VIP Reception’ to be held in the **“Penler Space”**, located at **686 Purchase Street**, and to be held on **Saturday, October 18, 2014, from 6:00 p.m. until 11:00 p.m.**

7. APPLICATION, (No Representation Required)

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

8. APPLICATION, (No Representation Required)

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

9. APPLICATION, (No Representation Required)

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

- **Current List of Inactive Licenses (Informational Only):**

Common Victuallers (Restaurants) All Alcohol (5)

1. **Fernando’s Grille & Bar (Calypso Hospitality, LLC d/b/a) – Closed 10/01/13 – Transfer Pending w/ABCC**
2. **Major League Burgers (JAMA, LLC d/b/a) – Approved 11/25/13 – November Meeting/License for Sale**
3. **Octane Sports Bar (Tane Corporation d/b/a) – Closed 10/01/13 – October Meeting/Sale Pending**
4. **Wharf Tavern (Trans-City, Inc. d/b/a) – Closed 03/04/14 – Transfer Pending w/ABCC**
5. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a) – Approved 06/03/14 - November Meeting/Renovations**

Common Victuallers (Restaurants) Wine & Malt Only (4)

1. **Braza Rotisserie (Ransan Rotisserie d/b/a) – Closed 12/31/14 – November Meeting/Sale Pending**
2. **Café Balena (Casa Chessa Corp. d/b/a) – Closed 07/15/14 – November Meeting/For Sale**
3. **Cultivator (Cultivator Shoals, Inc. d/b/a) – Approved 10/01/14 – November Meeting/Renovations**
4. **Fortuna Grill (DeAbreu & Sons, Inc. d/b/a) – Closed 07/01/14 – November Meeting/Renovations**

General on Premise All Alcohol (1)

- **XS Nightclub/Lounge (Simba, Inc. d/b/a) – Closed 10/01/14 – October Meeting/License for Sale**

Club All Alcohol (1)

1. **New Bedford Lodge No. 73---BPO Elks – Closed 01/01/14 – October Meeting/License for Sale**

Note: There were 13 inactive licenses at the start of 2014, there are currently 11.

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

Ms. Kristina Morrow, Manager/Co-Owner

226 Union Street

Current Status: Closed 09/25/14

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

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

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

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

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

Present: Kristina Morrow, Co-Owner/Manager along with Lawrence Bucha, Co-Owner.

Ms. Morrow presented a letter to the Board regarding their plans for their liquor license, which the Board voted unanimously to received and placed of file, on a motion by Commissioner Almeida.

When asked by Chairman Beauregard, would you just for the record, please tell the Board what your intentions are with regard to your liquor license that is currently inactive, Mr. Bucha stated that they’re looking for a location to move it to.

When asked by Chairman Beauregard if they had an estimated date of when they would anticipate being open and using the license, to which Mr. Bucha responded, that they didn’t have one but they were looking all over to find a place.

When asked by Chairman Beauregard if they were prepared to sign the renewal and pay the license renewal fee in November and December, Mr. Bucha responded, Yes, Sir!

After the vote, Chairman Beauregard stated the following to Ms. Morrow and Mr. Bucha, “we’re giving you is what we think will be ample opportunity for you to use the license, such as find a place to put or sell it; and we’ll have you back in February, and determine what we’re going to do with the license at that point, if you’ve done something with it. I think we’re giving you plenty of time to make something happen.

Both Ms. Morrow and Mr. Bucha stated they understood, and both thanked the Board.

VOTED: Commissioner Almeida made a motion to table the matter until the Licensing Board’s February 23, 2015 Meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that she has **until February 1,**

2015 to initiate one (1) of the following three (3) options prior to this date:

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

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use. – **Unanimous**
The licensee was notified by certified mail of the Board's decision and noted stipulation.

11. HEARING: New Bedford Lodge No. 73 – BPO Elks

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

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

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

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

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

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

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

Minutes of 06/30/14

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

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

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

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

Present: Francis E. Wynn, Jr., Trustee-Chairman along with Gerald Wheeler, Pontiff Real Estate

When asked by Chairman Beauregard to give the Board an update as to the status of their liquor license, Mr. Wynn stated that they put the license in the hands of Pontiff Real Estate to help them find a buyer for the license, and that it was their intentions to sell the license as soon as possible; and that Mr. Wheeler is marketing the license on their behalf.

Mr. Wheeler stated that they've been working very diligently to find a buyer, and that they've kept the sale price at a very reasonable amount, in order to facilitate the closing to help them pay off some bills.

When asked by Chairman Beauregard if the license was being marketed with the building, Mr. Wheeler stated that it was not, and that the intention was to sell the license separate from the building.

When asked by Chairman Beauregard if they were prepared to sign the renewal and pay the license renewal fee in November and December, Mr. Wynn responded, that they were.

VOTED: Commissioner Almeida made a motion to table the matter until the Licensing Board's February 23, 2015 Meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that she has **until February 1, 2015 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;

3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

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

The licensee was notified by certified mail of the Board's decision and noted stipulation.

Tabled At 06/30/14 Meeting

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

Ms. Fernanda Carvalho, Owner

1430 Acushnet Avenue

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

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

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

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

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

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your 'Common Victualler (Restaurant)' All Alcoholic Beverages License.

Present: No One Appeared As Requested

Mr. Nanopoulos informed the Board that the licensee did not pick up the 'certified' letter, and recommended that the Board table the matter until November, and that he would send her another notice for said meeting.

VOTED: Commissioner Almeida made a motion to table the matter until the Licensing Board's November 17th Meeting.

13. APPLICATION - Plot # 93--164

Saed K. Dib, who resides at **14 Birchwood Drive, North Providence, R.I.**, who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License for TOPGEAR AUTO SALES, Inc.**, with premises situated at **197 ½ Coggeshall Street**. (**Note:** Applicant is also licensed at 297 Belleville Avenue (Clear Auto Sales, Inc.)

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

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

Present: Jack Nasiff, Co-Applicant along with Linda Morad, Councilor at Large

Responding to questions from Chairman Beaugard, Mr. Nasiff stated that he owns the Sunoco Service Station that's located across the street for the last ten years, and that he owns another service station in Plymouth, which is licensed for the sale of used cars, so he has experience in the sale of used cars.

When asked by Chairman Beaugard as to the age of the cars he would be selling, Mr. Nasiff stated that he would not be selling any cars that were more than ten years old, and that he would not have any junk cars on the lot that were not operable, and if he got any in as trade-ins, they would go right out to junk.

Responding to further questions from Chairman Beaugard, Mr. Nasiff stated that he was looking for approval for 15 cars, and that he would be doing the repairs across the street at his Sunoco station.

VOTED: Commissioner Almeida made a motion to approve the application as presented pending receipts of all necessary documents; and to approve the license for the display of thirteen (13) cars, as currently approved by Inspectional Services – **Unanimous**

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

Christopher Zammito, who resides at **307 Smith Neck Road, Dartmouth, MA.**, who is requesting approval of his application for a **Motor Vehicle Class V (Auto Body Shop) for RPCV AUTOBODY, LLC d/b/a MAACO**, with

premises situated at **49 Potomska Street**. Site of the proposed licensed premises will remain the same as follows: A cement block building approximately 70' x 65' to store twenty-five (25) vehicles, with office space, repair space, spray booth, and four restrooms. There is a blacktopped display area large enough to store fifty (50) vehicles, approximately 50,000 sq. ft enclosed by a chain link fence. There is to be painting on the proposed auto body repair shop premises which is situated on the east side of Rte.18, west side of MacArthur Drive and numbered **49 Potomska Street**.

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

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

Present: None (Not Required)

Mr. Nanopoulos informed the Board that this was simply a change of ownership of an existing auto body shop.

VOTED: Commissioner Almeida made a motion to approve the application as presented pending receipts of all necessary documents. – **Unanimous**

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

Mr. Steven M. Camara, Manager/Owner

161 Pope's Island

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

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

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

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

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

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

The potential violations are as follows:

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

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

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

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

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

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

Objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule; Premises must at all times be kept safe; Licenses are subject to suspension, revocation or forfeiture after hearing for breach of any of the listed regulations or any other law of the Commonwealth.

Illegal Narcotics

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

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

Present: Atty. Patrick T. Matthews along with Steven M. Camara, Owner/Manager and Jason Gibau and Jamie Machado, both employees; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Steven Alers and Officer Brian Crosby, Reporting Officers (Incident #1), and Officer Jenna Touchette, Reporting Officer (Incident #2)

As a result of the one hour and twenty-four minute hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, voted unanimously to **suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of thirty (30) days with twenty (20) days to be served and ten (10) days held in abeyance for one (1) year.** Additionally, the establishment will serve a one (1) year probationary period effective October 21, 2014 and ending on October 21, 2015.

The following written decision was issued to the licensee on 10/28/14:

Per the public hearing of October 20, 2014, this Board found that you violated ABCC regulation 204 CMR 2.05 (2), specifically permitting an illegality to occur on the licensed premises as well as M.G.L. Chapter 138, section 63A in that the actions of both ownership and employees hindered and delayed the investigation of the New Bedford Police.

The Board heard testimony and concurred that you also violated the following local Licensing Board Regulations:

#10 – Alcoholic beverages shall not be served to a person who is or appears to be intoxicated.

#11 - Objectionable persons shall not be permitted on or about the premises;

#12 - Premises must at all times be kept safe;

#19 – All customers must leave the premises no later than 30 minutes after closing

As a result of the testimony presented, the Board voted unanimously to suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of thirty (30) days with twenty (20) days (11/06/14 – 11/25/14) to be served and ten (10) days held in abeyance for one (1) year. Additionally, the establishment will serve a one (1) year probationary period effective October 21, 2014 and ending on October 21, 2015.

The Board considered the testimony of all parties and concurred that your actions and that of your staff were not responsible in nature during the investigation of a crime. The testimony presented indicated that your employee was involved in an altercation with a patron and this employee admitted during questioning that he was under the influence of alcohol and drugs and that you and your staff failed to cooperate with the investigation.

The Board carefully weighed the testimony given and took great exception to the fact that you had an employee working the night in question who was under the influence of drugs and alcohol. The Board also gave a great deal of consideration to the fact that your staff was uncooperative when Police arrived and that you personally left the scene prior to briefing the officers as to your knowledge of the incident.

The Board also considered the testimony presented regarding an incident on September 13, 2014 in which an officer observed a patron walking out of your establishment at 2:50 a.m. with no employees present on the premises. The officers also observed what appeared to be alcoholic beverages on the bar. When asked by officers to lock up the establishment, you were observed having difficulty doing so because of your intoxicated state. The testimony given by your doorman indicated that you appeared to have had a few.

You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of M.G. L. Ch. 138 **within five (5) days of receipt of this decision.** A copy of said appeal must also be submitted to this office.

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

Mr. Steven M. Camara, Manager/Owner

161 Pope's Island

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

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is

warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -)

Present: Atty. Patrick T. Matthews along with Steven M. Camara, Owner/Manager

No consideration given regarding a rollback of hours.

ACTION TAKEN: None

17. HEARING: Tropicana Bar & Grille, Inc.

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

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

Upon review of the facts, the Licensing Board may take action to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

The potential violations are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation Nos. 11 & 12-

Excessive Noise, Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident #1 – 09/06/14

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

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

Police Report # 14-3188-AR

Summary of Incident #2 – 09/14/14

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

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

Police Report # 14-11746-OF

Summary of Incident #3 – 09/19/14

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

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

Police Report # 14-12054-OF

Present: Miguel Barbosa, Co-Owner; Capt. Steven Vicente, Liaison to the Licensing Board along with Reporting Officers Abraham Nazario (Incident #1) and Agnieszka Ciarka (Incident #2)

Upon hearing the testimony presented, **the Board voted unanimously to table any decision** on the hearing that was held until its next meeting, in order to give the licensee an opportunity to submit a "Business/Security Plan" for the Board to review.

The licensee was advised that he was required to submit, a copy of the requested "Business/Security Plan" in person, to the Licensing Board Office by Wednesday, November 12, 2014, and that the plan should contain information as to how the licensee planned on operating his business, which should include his hours of operation, if food will be served, and the type of entertainment he planned on having, as well as the days he planned on offering said entertainment. The plan should also include a detailed security plan, which should include any measures (doorman, police details, cameras, etc.) that the licensee has or planned to implement to ensure the safety of his patrons and staff

18. HEARING: Tropicana Bar & Grille, Inc.

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

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

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

Present: Miguel Barbosa, Co-Owner

Tabled to Board's next meeting>

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

Ms. Annette Demers, Manager/Co-Owner
114 Cove Street

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

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

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

Police Report # 14 - 11955 - OF

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

The potential violations are as follows:

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

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

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

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

Licensing Board Regulations No.6, 10, 12-

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

Present: Atty. Emile Morad along with Annette Demers, Manager/Co-Owner; Capt. Steven Vicente, Liaison to the Licensing Board along with Daniel Duclos, Reporting Officer.

Upon hearing the testimony presented, the Board, on a motion by Commissioner Almeida, **voted unanimously to receive the reports and place them on file** with no further action at this time.

Although the Board took no action, the Board advised the licensee once again of the following ABCC and Licensing Board Regulations:

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

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

Licensing Board Regulation No. 6, & 11-

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

The Board also reminded the licensee as it has in the past, that it's a violation to permit any illegality on or about the licensed premises, **and that it's the licensee's responsibility to notify the Licensing Board office immediately of any changes in management or ownership.**

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

Mr. Barry Flynn, Manager

109 William Street

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

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

Upon review of the facts, the Licensing Board may take action to modify, suspend, revoke or cancel your license, and if warranted, a roll back of hours may be considered.

The potential violations are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation Nos. 5, 10, 11 & 12-

Sale of alcoholic, wine and malt beverages to a person under the age of 21 is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated. Excessive Noise, Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Illegal Narcotics

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

New Bedford Code Of Ordinances, Section 15-96-

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

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

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

Present: Barry Flynn, Owner/Manager along with Geoffrey Haworth II, Asst. Manager; Capt. Steven Vicente, Liaison to the Licensing Board along with Sgt. Troy Spirlet, Reporting Officer.

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to receive the reports and place them on file** with no further action at this time.

The following written decision was issued to the licensee on 10/31/14:

Per our meeting of October 20, 2014 regarding complaints received by the Board, upon hearing the testimony presented, voted unanimously to receive the reports and place them on file with no further action at this time.

Although the Board took no action, please be advised once again of the following ABCC and Licensing Board Regulations:

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation Nos. 5, 10, 11 & 12-

Sale of alcoholic, wine and malt beverages to a person under the age 21 of is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated. Excessive Noise, Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Illegal Narcotics

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

New Bedford Code Of Ordinances, Section 15-96-

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

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

Mr. Barry Flynn, Manager
109 William Street

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

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

Present: Barry Flynn, Owner/Manager along with Geoffrey Haworth II, Asst. Manager

No consideration given regarding a rollback of hours.

ACTION TAKEN: None

- **CORRESPONDENCE**

---NONE--

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Elizabeth's Restaurant	#14-12780-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 9:25 a.m.)
2. Whaling City Club	#14-12781-OF	10/05/14	Serving Prior to 11 a.m. on Sunday/ Delayed Access to Establishment (Approximate Time of Violation 9:35 a.m.)
3. Club Recordacoes DePortugal	#14-12782-OF	10/05/14	Serving Prior to 11 a.m. on Sunday/ Delayed Access to Establishment (Approximate Time of Violation 9:50 a.m.)
4. Park Sports Cafe	#14-12783-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:10 a.m.)
5. Monte Pio Luso Americano	#14-12784-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:15 a.m.)
6. Club Uniao Faialense	#14-12785-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:25 a.m.)
7. Portuguese Sports Club	#14-12787-OF	10/05/14	Serving Prior to 11 a.m. on Sunday/ Delayed Access to Establishment (Approximate Time of Violation 10:30 a.m.)
8. Ilha Verde Cafe	#14-12788-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:35 a.m.)
9. O'Escondidinho	#14-12789-OF	10/05/14	Serving Prior to 11 a.m. on Sunday (Approximate Time of Violation 10:40 a.m.)
10. N. B. Sports Club	"No Report"	10/05/14	Door Locked/Patrons Inside/ Bartender on Duty/Empty Glasses (Approximate Time of Violation 8:30 a.m.)
11. St. Michael Club Site	"No Report"	10/05/14	Refused Entry/Door Locked/Cars on (Approximate Time of Violation 8:40 a.m.)
12. Café Monte Carlo	"No Report"	10/05/14	Open/No Issues (Approximate Time of Violation 9:15 a.m.)
13. United Fishermen's Club	'No Report'	10/05/14	Large Group Inside/No Alcohol (Approximate Time of Violation 10:20 a.m.)

ACTION TAKEN: Table until January due to workload of renewal season.

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

Common Victuallers (Restaurants)

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

Class II (Used Car Dealer)

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

Class II (Used Car Dealer)

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

Liquor Licenses

Common Victualler AA (Restaurants)

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

Clubs AA

The Bisca Tournament Club, Inc.-Plot#37-3-----	\$1,931.89
The Bisca Tournament Club, Inc.-Plot#37-322-----	\$3,553.33
The New Cape Verdean Ultramarine Band Club, Inc.-Plot#42-183-----	\$17,319.97
Whaling City Club, Inc.-Plot#104-164-----	\$1,437.748
	\$24,242.67

Retail Package Store W & M

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

Retail Package Store W & M

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

Outstanding Owed = \$873,248.08

- **NEXT TWO MEETING DATES:** November 17th & December 22nd, 2014 both in the Ashley Room (120) @7:00 p.m. - **Approved**
- **MEETING ADJOURNED:** 10:05 p.m.