



Licensing Board

December 22, 2014 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-MINUTES-

Monday, December 22, 2014
Room 314 – 7:00 p.m.

PRESENT: Steven A. Beaugard, 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

Transfer & Change of Location - 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’**.

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

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager - Trans. #141 – Plot # 25-A-25

Young Cape Verdean Athletic Association, Inc., 418 South Front Street, is requesting the approval of **Barry DeMelo**, who resides at **70 Sharp Street, Dartmouth, MA**. as their new manager.

Note: Mr. DeMelo is the current owner of the building who leases the building to the ‘club’.

Disapproved By ABCC – 12/02/14 – The ‘corporate vote’ authorizing said application and appointment was issued (signed) by a corporate officer that has not been approved by this commission (ABCC); The licensee is required to submit an application to change (update) their corporate officers along with the change of manager.

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

1. PETITION - Trans. # 112 – Plot # 106-205

Fernando’s Enterprises, Inc. d/b/a The Roasted Pig, Fernando Godinho, President, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **MF-Silva Enterprises, Inc. d/b/a The Roasted Pig Bar & Grill**. Upon approval, **Mario F. Silva** will be the **President, Treasurer, Secretary, Sole Director, and Sole-Shareholder (100%)**; **Mario F. Silva** is also the **Proposed New Manager**. The previously approved description consists of an area approximately 2,300 sq. ft., which includes one large dining room with a bar area, two restrooms, stockroom, walk-in cooler/freezer, and smokehouse on the first floor of a one-story building. There is one entrance/exit onto the

corner of Nash Road and Madeira Avenue, one entrance/exit on the east side of the building onto the parking lot, and one emergency exit at the rear of the building. The street level building is situated on the east side of Madeira Avenue on the corner of Nash Road and Madeira Avenue, and will remain the same at **98 Nash Road**.

Final approval will require a '**Change of Tenant**' from the Building Department, a new '**Food Permit**' from the Health Department, and a copy of '**Proof of Liquor Liability**'. *Application has been advertised.*

Present: *Atty. Marc Deshaies along with Mario F. Silva, Owner/ Proposed New Manager*

Responding to questions from Chairman Beauregard, Atty. Deshaies stated that Mr. Silva would continue to operate the restaurant as it's currently being operated, and that it was his intention to retain the current staff; and that Mr. Silva has received his T.I.P.S. Certification.

When asked by Chairman Beauregard as to how much experience Mr. Silva had in the restaurant business and the serving of alcohol, if any, Atty. Deshaies responded, He's been for the lack of a better term, he's been shadowing the restaurant for the past 6 to 8 weeks learning the ins and outs of the operation of the liquor license.

Atty. Deshaies continued his comments by stating that Mr. Silva is a welder by trade and he's run a very successful welding company in Fall River, so this would be a total change in career for him; and he's been a patron of the Roasted Pig for a number years, so he's very familiar with the operation that Mr. Godinho has been running there; so to be honest, he doesn't have any on hands experience in the service of alcohol but like I said, he's been shadowing at the restaurant for the past 6-8 weeks.

When asked by Chairman Beauregard if he planned on having any entertainment, Atty. Deshaies responded, that may be something we introduce in the future, which would be classical Portuguese music of Friday and Saturday nights.

When asked by Chairman Beauregard if there would be any physical changes to the premises, Atty. Deshaies responded, no stages ... same occupancy ... everything is going to remain the same except for the ownership.

When asked by Commissioner Almeida if all his employees were going to be T.I.P.S. Certified, Mr. Silva stated that they would all be certified as well.

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. Silva 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 5 - 12** at one time; waive reading; and approve the applications as presented – **Unanimous**

2. APPLICATION, (No Representation Required)

Boutique Fitness, Lara Harrington, Representative, who is requesting approval of an application for a **Special One-Day Wine & Walt Only Beverages License** for a "Business After Hours"; to be held at **Boutique Fitness**, located at **504 Pleasant Street**, and to be held on **Thursday, December 4, 2014, from 5:00 p.m. until 7:00 p.m.**

3. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "VIP Membership Lounge Fundraiser"; to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Friday, December 5, 2014, from 6:00 p.m. until 11:30 p.m.**

4. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One-Day Wine & Walt Only Beverages License** for a "Fundraiser"; to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**, and to be held on **Friday, December 5, 2014, from 6:00 p.m. until 9:00 p.m.**

5. APPLICATION, (No Representation Required)

New Bedford Art Museum, Lindsay Mis, Exhibition Manager, who is requesting approval of an application for a **Special One-Day Wine & Walt Only Beverages License** for an "Art Reception"; to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**, and to be held on **Thursday, December 11, 2014, from 6:00 p.m. until 8:00 p.m.**

6. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Robert Rocha, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "Catered Dinner"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**, and to be held on **Friday, January 2, 2015, from 5:30 p.m. until 7:00 p.m.**

7. APPLICATION, (No Representation Required)

New Bedford Art Museum, Lindsay Mis, Exhibition Manager, who is requesting approval of an application for a

Special One-Day Wine & Walt 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 **Sunday, January 25, 2015, from 2:00 p.m. until 4:00 p.m.**

8. APPLICATION, (No Representation Required)

New Bedford Art Museum, Lindsay Mis, Exhibition Manager, who is requesting approval of an application for a **Special One-Day Wine & Walt Only Beverages License** for an “Art Reception”; to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**, and to be held on **Saturday, April 11, 2015, from 1:00 p.m. until 3:00 p.m.**

Tabled At 11/17/14 Meeting

9. HEARING: The Washington Social & Musical Club, Inc.

Mr. Fred Caton, III, Manager
90 David Street

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

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

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

Minutes of 11/17/14 Meeting

Present: Fred Caton III, Manager along with Richard Sterling, President, and Scott Boutin, Vice-President; Danny Romanowicz, commissioner of Buildings.

Mr. Boutin stated that they were going to disconnect the ansul system, and would no longer prepare food on the premises; and that they have someone coming to do the work, and that the work would be completed within 3 to 4 weeks.

Mr. Romanowicz stated that he could not issue a 304 Certificate until such a time as the work is complete.

Voted: Commissioner Almeida made a motion to table the matter until the Board’s December 22nd meeting, in order for the licensee to have sufficient time to complete the work necessary to meet the necessary compliance standards – **Unanimous**

Mr. Nanopoulos informed the Board that Inspectional Services informed him that the ansul system had been removed and a 304 Certificate would be issued, and recommended that no further action was required.

VOTED: Commissioner Almeida made a motion to remove item # 9 from the table with further action to be taken at this time. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove item # 10 from the table. – **Unanimous**

Tabled At 11/17/14 Meeting

10. HEARING: Tane Corporation

d/b/a Octane Sports Bar
Ms. Fernanda Carvalho, Owner
1430 Acushnet Avenue

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

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

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

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

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

Minutes of 06/30/14 Meeting

Present: Fernanda Carvalho and Claudio Cabral, Co-Owners

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

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

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

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

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

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

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

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

Minutes of 10/30/14 Meeting

Present: *No one appeared as requested.*

Minutes of 11/17/14 Meeting

Present: *Fernanda Carvalho and Claudio Cabral, Co-Owners, along with Antero L. Coelho, Potential Buyer*

Upon discussing the matter with those present with the Board expressing their concern that a transfer application had not been submitted as of yet; Chairman Beauregard suggested that the matter be tabled to the Board's December meeting, and request that either Atty. Kehoe or Atty. Peabody attend, in order to give the Board an update as to the status of the proposed transfer.

Voted: Commissioner Almeida made a motion to follow Chairman Beauregard's recommendation, to **table the matter to the Board's December meeting, and request that a representative of the hotel project appear before the Board as well.** – **Unanimous**

Present: *Fernanda Carvalho and Claudio Cabral, Co-Owners (Sellers), along with Atty. Jay Peabody, representing Andrew F. Rockett, Candleworks Ventures, LLC (Proposed Transferee)*

Responding to questions from Chairman Beauregard, Atty. Peabody stated that his client, Candleworks Ventures, LLC, took an assignment of the P & S that Ms. Carvalho had with Mr. Coelho for the transfer of this license, and we assigned our rights to the Fernando's license to Mr. Coelho, in order for it to be transferred to Trio, since they were going to occupy the space in Mr. Coelho's building on Rivet Street; and the plan is to use this license for the proposed 'hotel', which will be located adjacent to the Candleworks Building that is owned by my client; in order to accomplish that, we're trying to work through the process to establish a different address than the Candleworks Building, because you can't have more than one liquor license issued to a single address, so that we may submit an application for a transfer as soon as possible.

Atty. Peabody went on to state that he received the proposed plans today, and that he is shooting to get the application prepared to be submitted in January, so that he may be in front of this Board in February.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously, to table the matter until the February 2015 meeting,** in order to give Atty. Peabody the time he requested to prepare and submit an application for transfer.

Tabled At 06/30/14 Meeting

11. HEARING: Ransan Rotisserie, Inc.

d/b/a Braza Rotisserie

Mr. Randy R. Cardoso, Owner

566 Pleasant Street

Closed 12/31/13 – License for Sale

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

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

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

Minutes of 06/30/14 Meeting

As a result of the open hearing held on June 30, 2014 to determine the status of your annual liquor license for the year 2014, and to discuss the status of your ‘pending transfer of license’ prior to this Board considering approval of your 2015 Liquor License renewal application; this Board voted unanimously to table the matter until the Licensing Board’s November 17th Meeting with the following stipulation:

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

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.
- 4.) You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

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

Minutes of 11/17/14 Meeting

Present: Licensee was excused from the hearing. (Family Vacation)

Mr. Nanopoulos informed the Board that the licensee came in and provided proof that he would be in Florida today, as the result of receiving a surprise vacation given to him and his fiancée by his parents.

ACTION TAKEN: None (The item will remain on the table for the January 2015 meeting.)

VOTED: Commissioner Almeida made a motion to remove item # 12 from the table. – **Unanimous**

Tabled At 11/17/14 Meeting

12. HEARING: Nabih Moujabber d/b/a Lebanese Kitchen

Mr. Nabih Moujabber, Licensee

1487-1489 Purchase Street

Closed 07/12/14 – Renovations (Fire)

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

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

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

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

Minutes of 11/17/14 Meeting

Present: No one appeared as requested.

Voted: Commissioner Almeida made a motion to **table the matter to the Board’s December 22nd meeting** –

Unanimous

Present: Nabih Moujabber, Licensee

Responding to questions from Chairman Beauregard, stated that he’s been meeting with different contractors to see what

would be the best and fastest way to get back into business, and as a result of the fire, it's going to take a lot of work and a lot of time to get my building restored.

Mr. Moujabber continued his comments by stating that he's looked into the building next door, which is owned by Mr. Giammalvo but it has some issues ... it needs some handicap bathrooms ... as well as some other work ... so, from what I see ... Our best bet is ... I have a building near the old car barn that I've been trying for a while to finish ... bills keep coming ... so we need to find the quickest way to open ... I'd like to go back to where we were but our best bet from what I can see is to move to my building near the car barn, unless something else comes up ... but this looks like the quickest way.

He's also stated that he spoke to Pontiff Realty, but I haven't seen anything decent that would work for us but I would like, if possible, to move the license to 1968 Purchase Street, which is my building near the car barn.

Responding to Mr. Moujabber's concern regarding the limited parking at that location, Chairman Beauregard responded, parking would not be an issue with this Board, but it may be a concern with Planning or Zoning; but you already have the building up, so you must have already gone through some type of site plan review.

Mr. Moujabber responded, Well I did, and it was already approved ... I did submit a plan to the Building Department ... I talked to Danny (Romanowicz) just to make sure that they can find them because it was submitted a while ago ... and there was a parking issue back then ... and he told me that it's been squared away ... I talked to the Mayor ... It's already been approved by the Health Department ... but I wanted to make sure that it was okay with the Building Department ... I've asked them if we can meet soon ... he said he would call me ... I'm hoping that within a week or so, I will hear from him ... this is our best bet at the time being ... and that's to move to 1968 Purchase Street.

Chairman Beauregard stated to Mr. Moujabber, the only consideration I could see from this Board would be if there was any opposition from the Car Barn across the street.

Mr. Moujabber responded, there shouldn't be ... it's not like we're a bar or anything ... people go there to eat and maybe have a beer or a glass of wine with their food.

Chairman Beauregard informed Mr. Moujabber that he would have to submit an application for a change of location, which would have to be advertised, and the abutters would have to be notified.

When asked if he was prepared to pay the renewal fee, Mr. Moujabber stated that he already had.

Chairman Beauregard suggested that the Board approve the renewal, and table the matter to the Board's July 2015 meeting, in order to give Mr. Moujabber an opportunity to decide on a location, and file an application for change of location, if that's his decision.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the July 2015 meeting**, which would give Mr. Moujabber ample time to make a decision on a location; and to file an application for change of location, if need be.

13. HEARING: The Sky Room, Inc.
d/b/a The Sky Room
Ms. Audrey Carter, Manager/Owner
651 Orchard Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of M.G.L. Chapter 138, Sec. 12,12A, 15A, & 64, ABCC Regulations 204 CMR 2.05: (2), and Licensing Board Rules & Regulations No.1 & 6, as well as your failure to comply with this Board's decision of October 31, 2014.

At the Board's hearing of September 22, 2014, it was determined that various changes were made to the corporation of the Sky Room. The verification of these changes is based on testimony from your attorney, changes that were filed with the Secretary of State's Office, others besides yourself attempting to carry out the business of the corporation as well as information that there is a new manager in place. Based on this information, you were requested to submit an application change within thirty (30) days and any failure to comply would result in appropriate actions by this Board.

As a result of your failure to comply, the Board will entertain testimony as to the actions of the Sky Room. Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2014 Liquor License**. Depending on the Board's findings, you may be required to surrender your license until this matter is resolved. Failure to appear as requested may result in the immediate suspension of your Common Victualler All Alcoholic Beverages License until this matter is resolved.

Written Notice of 10/31/14

Based on the information provided by counsel, the licensee was instructed to submit an application for the changes discussed at the meeting within thirty (30) days of receipt of written notice. (Notice was served on 10/31/14). Your failure to comply as requested will result in appropriate actions by this Board.

M.G.L. Chapter 138, sec. 12,12A, 15A, & 64-

An application must be filed to obtain approval from the local licensing authority and ABCC for a Change of Officers, Directors, New Stockholders, Manager, and Transfer of Stock.

The licensing authorities after notice to the licensee and reasonable opportunity to him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted any condition thereof (Chapter 138), or any law of the commonwealth.

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 Regulations No.1 & 6-

Licenses may not be transferred or surrendered without permission of the Board; 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.

Application Must Be Submitted By January 6th for January 20th Meeting

Present: Atty. Greg Koldys, representing the Sky Room along with Dennis Vieira, New Officer

Atty. Koldys stated that due to health issues, Ms. Carter was not able to appear, and that he would be representing her on her behalf.

Mr. Nanopoulos informed the Board that Atty. Koldys submitted an application earlier in the day that was submitted incomplete; therefore, it could not be accepted.

Mr. Nanopoulos proceeded to hand out copies of the application to the Board, and returned the 'original' application back to Atty. Koldys.

In referencing the application that was submitted, Chairman Beauregard stated the Board's concern that the problem we have now is that the application that is coming now has different names, and there have been filings with the Secretary of State that were done back in July that were not filed with this office; and we're hearing names that have not been approved by this Board or the ABCC, that are running the Sky Room.

Chairman Beauregard then asked Atty. Koldys to explain to the Board as to what's going on at the Sky Room.

Atty. Koldys responded, as you know ... this all started when there was a change of officers filed with the Secretary of State's Office a number of months ago (June) without first coming to this Board ... we were in as a result of that ... and we were instructed by the Board to submit the appropriate documents regarding those changes ... part of that process was the anticipated transfer of shares of the Sky Room to one of the new officers ... Mr. Oliveira ... that process ran into some snags and we were trying to get them cleared up to try to get the transaction completed ... but it was an on again ... off again ... start again ... stop again proposition.

Atty. Koldys continued his comments by stating, it now appears that transaction is not going to happen and it's off completely ... as a result, we've filed an application today ... which we recognize it as late ... but we were waiting again as long as we could to see if we could resolve things with Mr. Oliveira but we could not ... so we filed an application today where Ms. Carter would like to transfer her shares and ownership in the company to her daughter ... Jade Traore ... and have her appointed as the manager of the premises going forward ... again, Ms. Carter is now having some health problems and is looking to try to get out of this day to day operation of this thing ... but her daughter has been working there for a while ... I think she is T.I.P.S. Certified and certainly capable of operating the premises, and serving as manager ... but that's something that obviously will happen when the application is complete and in here, so the Board can review it for approval.

In response, Chairman Beauregard asked Atty. Koldys, "Why would you submit an application today that is far from complete, there's no transfer of stock ... there's no dollar value ... there are documents missing."

Atty. Koldys responded, there won't be any dollar value ... it would be basically a transfer to her daughter ... it could be for a dollar.

When Chairman Beauregard asked about Dennis Vieira, Atty. Koldys responded, Dennis Vieira is one of the officers named originally ... he's actually here tonight ... he's going to continue to serve as Secretary ... and has been serving as the Secretary since that original filing ... he's also been doing the bookkeeping and the book work ... and keeping track of the funds.

When Chairman Beauregard asked about John Oliveira, Atty. Koldys responded, his intention is not to be part of the corporation any longer, but you may recall from our previous meeting, there was never a transfer of ownership of the company to anyone; there was only a change of officers and directors, there was never a transfer of stock; he never had an ownership interest in the business, he was only the president and a director; the ownership interest was the part of the deal we were trying to complete.

When asked by Chairman Beauregard as to the current status of the operation, Atty. Koldys responded, it's somewhat limited ... it's still running a number of functions ... it doesn't run 'club nights' because obviously the Board had an issue

with that ... so it's basically operating as a function room.

When asked by Chairman Beauregard as to when their next function was scheduled for, Atty. Koldys responded, I believe they have something scheduled for New Year's Eve, to which Chairman Beauregard responded, we have nothing (Hall Rental Agreement) from the Sky Room, informing us of any New Year's Eve event, which they're required to submit. Chairman Beauregard stated that the next event we have a 'Hall Rental Agreement' is for January 17th, we're not showing anything for New Year's Eve, to which Atty. Koldys had no response.

When asked by Chairman Beauregard as to what the plans were for New Year's Eve, Atty. Koldys asked Mr. Vieira to come to the table to respond to the Chairman's question.

Mr. Vieira stated that it was a party, a Cape Verdean group, and that it was a closed party, to which Chairman Beauregard responded, isn't that the party at the United Fisherman Club?

Mr. Nanopoulos responded to Chairman Beauregard's inquiry, by stating that he had nothing for the "Fisherman" for New Year's Eve.

When asked by Chairman Beauregard as to the estimated number of people who would be attending the event on New Year's Eve, Mr. Vieira stated that number to be around 200-300 people.

Chairman Beauregard continued his comments by stating, so ... here's our concern ... you having an event on New Year's Eve ... at which you're expecting 200-300 people ... and we don't have a manager in place ... that's a problem for us, to which Mr. Vieira responded, "I understand."

Atty. Koldys responded, when you say no management in place, Chairman Beauregard responded by asking, where's Ms. Carter ... she's the manager of record ... is she not?

Atty. Koldys responded, yes, she is, to which Chairman Beauregard responded, if she's not running the operation, then we've got problems ... now, we're two to three months into this ... and we still don't have it resolved ... and now we have an event with 2 to 3 hundred people attending ... and Mr. Vieira stated that there are 2 more in January that are coming up ... that's a problem for the Board ... once we're aware of the problem ... we have to act upon it ... we just can't turn a blind eye to it until you get your issues resolved ... it's not helping us any.

Atty. Koldys responded, I understand that ... at this point ... it's my understanding that the person on site for some or all of these functions as the manager or assistant manager ... is Heather Cleveland ... it's my understanding that she's well qualified to operate or oversee the operation.

Mr. Nanopoulos responded by asking about Georgia Macomber, a name that was given to him as the person who was booking all the events at the Sky Room, and the name that was given to him when people would come in to see him, to which Atty. Koldys responded, Georgia was going to be the manager and worked there for about three weeks but she is no longer available to serve in that function.

Chairman Beauregard concluded his remarks by asking Atty. Koldys if his client would be willing to voluntarily forego any events at the Sky Room, until such time as we get the issues resolved, and that certainly gives you an incentive to get this deal done.

Atty. Koldys responded, there's certainly been an incentive ... just because of the stop and go nature of the transaction ... in trying to get that resolved so we could come in here with a completed picture ... I think now ... it's clear that the transaction is not going to happen ... so now, we obviously have to go in a different direction to get it back to what it was. In response, Chairman Beauregard responded, since we have so many names being bandied about, it's very difficult for us to allow the operation to continue ... so we can take action or we can suggest that your client voluntarily turns in her license until such time as we get these issues resolved ... there should be no reason ... if everything is going as planned ... not to get it done by the January meeting.

Mr. Nanopoulos informed the Board that an application must be submitted by January 6th for it to appear on the January 20th Agenda.

When asked by Chairman Beauregard if that was something doable on their end, Atty. Koldys responded, we're going to have to make it doable ... so yes, I guess we're in a position to say that we could do that ... but how does that affect the renewal ... and the renewal fee payment ... should we go forward and pay the renewal fee?

Chairman Beauregard responded, absolutely, that's the only way to do it ... so you don't lose the license ... and you have about six more days to make the payment.

Atty. Koldys stated that they would pay the renewal fee, and then surrendered the 2014 license to the Board.

The license was unanimously received and placed on file, and Atty. Koldys was informed that the 2015 license would not be issued until the application is approved by the Board.

Atty. Koldys confirmed with the Board, that if the application is submitted complete by the 6th, and it goes before the Board on the 20th, and it's approved; the license will be released.

Atty. Koldys also stated that his client would call and cancel any events that have been booked through the end of January.

- **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman **Dated -012/01/14** **Received - 12/04/14**

Re: Swamini, LLC d/b/a Zully's Wine & Spirits **1240** **Kempton Street**

Notice of Hearing Date: Wednesday, December 17, 2014 @ 11:00 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. 34 – Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count)**

Date of Alleged Violation: Thursday, October 9, 2014 at approx. 9:30 p.m. (ABCC Investigation & Hearing)

ACTION TAKEN: Received & Placed on File.

From: Kim S. Gainsboro, ABCC Chairman **Dated -11/19/14** **Received -12/03/14**

Re: World Famous Pizza & Subs, Inc. **1114 Acushnet Avenue**

Notice of Hearing Date: Tuesday, February 3, 2015 @ 9:30 a.m.; an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 12 Wines & Malt Beverages License Application to be exercised at 1114 Acushnet Avenue.)

(TO BE RE-SCHEDULED)

ACTION TAKEN: Received & Placed on File.

From: Kim S. Gainsboro, ABCC Chairman **Dated -11/19/14** **Received -12/03/14**

Re: R.V. GAS, Inc. d/b/a Joe's Gas **277 Nash Road**

Notice of Hearing Date: Tuesday, February 3, 2015 @ 1:30 p.m.; an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 277 Nash Road.

(TO BE RE-SCHEDULED)

From: Kim S. Gainsboro, ABCC Chairman **Dated - 11/25/14** **Received - 12/03/14**

Re: Route Six Properties, Inc. d/b/a Temptation **161** **Popes' Island**

Notice of Hearing Date: Tuesday, February 17, 2015 @ 1:30 p.m. for an appeal hearing from the action of the New Bedford Licensing Board for suspending the license of Route Six Properties, Inc. d/b/a Temptation located at 161 Pope's Island for a period of **Twenty (20) Days**.

ACTION TAKEN: Received & Placed on File.

In City Council November 25, 2014 **Received 12/17/14**

The undersigned (Edwin's Towing, 26-28 Collette Street) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Repair, Car Rental, & Car Sales**.

IN CITY COUNCIL, November 25, 2014

Application Granted & Rule 40 Waived

Dennis W. Farias, City Clerk

Presented to the Mayor for approval November 26, 2014

Dennis W. Farias, City Clerk

RETURNED UNSIGNED, December 15, 2014 "LATE FILE"

Jonathan F. Mitchell, Mayor

ACTION TAKEN: Received & Placed on File.

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
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1. **Hibernia Brew Pub** #14 – 15143-OF 11/27/14 Intoxicated Minor
 (Approximate Time of Violation 12:18
 a.m.)

Decision: Bring In For a Hearing – 01/20/15

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

February 23, 2015

1. Club Uniao Faialense - **Serving Alcohol (Twice)**
2. Monte Pio Luso Americano - **Serving Alcohol (Twice)**
3. N. B. Sports Club – **Serving Alcohol (Twice)**
4. Park Sports Café - **Serving Alcohol (Twice)**
5. Whaling City Club – **Serving Alcohol (Twice)**
6. Café Monte Carlo – **1st Time Open No Alcohol/2nd Time Serving Alcohol (1)**
7. Club Recordacoes DePortugal - **Serving Alcohol (1)/ 2nd Time Refused Entrance/No Alcohol (25 Patrons)**
8. Elizabeth’s Restaurant - **Serving Alcohol (1)/ 2nd Time Open No Alcohol (3 Patrons)**
9. Ilha Verde Café - **Serving Alcohol (1)/2nd Time Open No Alcohol (6 Patrons)**
10. O’Escondidinho – **Serving Alcohol (1)/2nd Time Open (25 Patrons)**
11. Portuguese Sports Club - **Serving Alcohol (1)/2nd Time Open No Alcohol (5 Patrons)**

• **LICENSE HOLDERS IN TAX TITLE – For Review Only (A/O 12/17/14)**

Common Victuallers (Restaurants)

Dee’s Hot Dogs (Robert C. & Diane M. Martin d/b/a) – Plot# 119--84-----\$2,789.15 – *No Agreement*
 The Boat (Lemieux Enterprises, Inc. d/b/a) – Plot# 127-D-141-----\$9,527.07– *No Agreement*
\$12,316.22

Class II (Used Car Dealer)

Capitol Motors (Ronald Moura d/b/a)-Plot# 23-219-----\$9,576.86 – *Agreement/Non-Compliant*
 Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-Plot# 13-138-----\$5,948.41 – *Agreement/Non-Compliant*
 Lima’s Garage & Auto Body, Inc.-Plot# 97-147-----\$14,278.54 – *No Agreement*
Union Auto Towing, Inc.-Plot# 320—33-----\$3,228.79 – PAID IN FULL
 (Balance of Outstanding Owed) **\$29,803.81**

Class II (Used Car Dealer)

A. W. Martin, Inc.-Plot# 123—20-----**\$11,251.36** – *No Agreement*

Liquor Licenses

Common Victualler AA (Restaurants)

Chuck’s China Inn (Luk & Chen, Inc. d/b/a)-Plot# 111-21-----\$7,415.78 – *No Agreement*
 Danny’s Seafood Restaurant (Norway Café, Inc. d/b/a)-Plot# 108-13-----\$13,439.78 – *Agreement/Non-Compliant*
 Incognito (Anthsand, Inc. d/b/a)-Plot# 104-114-----\$3,967.46 – *No Agreement*
 Jalice Café, Inc.-Plot# 99-3-----\$16,035.83 – *Agreement/Compliant*
 LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-148-----\$2,729.22 – *Agreement/Non-Compliant*
 LePlace (Pam-Lu Corporation d/b/a)-Plot# 85-151-----\$8,280.40 – *Agreement/Non-Compliant*
 Me & Ed’s Restaurant, Inc.-Plot# 4-29-----\$9,031.82 – *Agreement/Non-Compliant*
 Me & Ed’s Restaurant, Inc.-Plot# 4-51-----\$14,313.88 – *Agreement/Non-Compliant*
 Me & Ed’s Restaurant, Inc.-Plot# 5--7-----\$13,656.92 – *Agreement/Non-*

Compliant

Mikey B's (Mikey B's, Inc. d/b/a)-Plot# 130-D-139-----\$651,786.11 – Agreement/Compliant
Villa Franca Restaurant & Café (Vila Franca Do Campo, Inc. d/b/a)-----\$6,015.24 – PAID IN FULL
(Balance of Outstanding Owed) **\$740,657.20**

Clubs AA

The Bisca Tournament Club, Inc.-Plot#37-3-----\$1,730.42 – Agreement/Compliant
(11/10/14)
The Bisca Tournament Club, Inc.-Plot#37-322-----\$3,248.86 – Agreement/Compliant
(11/10/14)
The New Cape Verdean Ultramarine Band Club, Inc.-Plot#42-183-----\$17,699.15 – Agreement/Non-Compliant
\$22,678.43

Retail Package Store All Alcohol

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

Retail Package Store W & M

Costa's Gas & Mini-Mart (MMRB Corp., Inc. d/b/a)-Plot#92-267-----**\$14,688.24** – Agreement/Compliant
(12/9/14)

Total Balance of Outstanding Owed = \$851,569.77

• **OUTSTANDING FIRE & POLICE DETAILS – For Review Only (A/O 12/17/14)**

1. Golden Greek (CV)-----\$695.99
2. World Famous Pizza (CV)-----\$1,364.72
3. A.W. Martin, Inc. (Class III)-----\$546.42
4. Dublin's Sports Bar (CVAA)-----\$725.01
5. Kirby's Irish Pub (CVAA)-----\$346.28
6. The Sky Room (CVAA)-----\$149.79
7. Waterfront Grille (CVAA)-----\$175.00
8. Lebanese Kitchen (CV W & M)-----\$2,438.70
9. Verdean Veterans Memorial Foundation (Club AA)-----\$1,330.06 (1)
10. Verdean Veterans Memorial Foundation (Club AA)-----\$349.71 (2)
11. Day of Portugal (Special Event)-----\$26,196.38
\$34,318.06

Irmandade Espirito Do Santo Do Pico (Special Event)-----\$90.41 – PAID IN FULL
Society of Senhor DaPedra (Club AA)-----\$865.70 - PAID IN FULL
Tila's Restaurant (CVAA)-----\$175.00 - PAID IN FULL
Wonder Bowl (GOP)-----\$3,477.46 - PAID IN FULL

• **HOLIDAY HOURS**

The New Bedford Licensing Board has set the hours for the sale of Alcoholic Beverages for Christmas Eve, Christmas Day, New Years Eve, and New Years Day as follows:

“CHRISTMAS EVE DAY” WEDNESDAY, DECEMBER 24, 2014

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.

Retail Package Good Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“CHRISTMAS DAY” THURSDAY, DECEMBER 25, 2014

Hotels, Restaurants, Taverns, and Clubs: **May Open After 11:00 A.M.** until 2:00 A.M.

Retail Package Good Stores: May Not Sell or Deliver Alcoholic Beverages On This Day.

“NEW YEAR'S EVE DAY” WEDNESDAY, DECEMBER 31, 2014

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until **2:00 A.M.**
Sale of alcohol **MUST END at 2:00 A.M.**

“NO OPEN BAR FUNCTIONS ARE ALLOWED”

N. B. Licensing Board Rule #19 – WITHIN FIFTEEN MINUTES AFTER CLOSING (2:00 A.M.) all glasses, bottles, or containers used for drinking purposes must be cleared off the tables and bar, and no alcoholic beverage shall be consumed at the expiration of fifteen minutes (2:15 A.M.) after closing. All CUSTOMERS must leave the premises no later than 30 minutes (2:30 A.M.) after closing.

Retail Package Goods Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“NEW YEAR’S DAY” THURSDAY, JANUARY 1, 2015

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M

Retail Package Good Stores: Normal Business Hours 8:00 A.M. until 11:00 P.M.

- **NEXT TWO MEETING DATES: January 20, 2015 (Tuesday) in Room 314 & February 23, 2015 (Monday) in Room 120 (Ashley Room)**
- **MEETING ADJOURNED: 8:00 p.m.**