



# Licensing Board

August 24, 2015 – 7:00 PM – **Agenda**  
City Hall, 133 William Street, Room 314

**LICENSING BOARD MEETING**

**-AGENDA**

**Monday, August 24, 2015**  
**Room 314 – 7:00 p.m.**

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

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

**A/O 08/20/15**

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

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

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

**Nick Nanopoulos, Director**

**MOTION TO ACCEPT THE MEETING MINUTES OF July 27, 2015**

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

**Change of Officers & Directors - Trans. # 004 – Plot # 104--7**

**Club Sport Madeirense, Inc., Richard Fernandes, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Richard Fernandes will be the President, Paul Bertoldo will be the treasurer, and John Fernandes will be the Secretary; Victor Novo and James Fernandes will all be Co-Directors. Premises will remain the same at **1624, 1626, & 1632 Acushnet Avenue**. *(No Advertisement nor Abutters Notification Required)*

**Approved By ABCC – 07/29/15**

**Change of Officers & Directors - Trans. # 056 – Plot # 46--6**

**Wamsutta Club, Inc., Peter S. Barney, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Peter S. Barney will be the President, John R. Lopes will be the Vice-President, Charles Demailey, Jr. will be the Treasurer, and Robert G. Morris will be the Secretary; and Mary Louise Nunes, Joyce Marie Casey, Dr. J. Greer McBratney, Dr. Richard Warburton, and Calvin Siegal will all be Co-Directors. Premises will remain the same at **427 County Street**. *(No Advertisement nor Abutters Notification Required)*

**Approved By ABCC – 07/29/15**

**Change of Officers & Directors - Trans. # 107 – Plot # 19--52**

**Clube Uniao Faialense, Inc., Carlos Rafael, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses.

Upon approval, Carlos Rafael will be the President, Alvaro M. Iria will be the Vice-President, Joao Camarao will be the Treasurer, and Jose I. DeFraga will be the Secretary. There are no Directors. Premises will remain the same at **701 Orchard Street**. *(No Advertisement nor Abutters Notification Required)*

**Approved By ABCC – 07/30/15**

**Change of Officers & Directors - Trans. # 209 – Plot # 93--181**

**Centro Luso Americano Club, Inc., Adriano Carvalho, Jr., (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of

the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Adriano Carvalho, Jr. will be the President and a Co-Director, Joe Couto will be the Vice-President and a Co-Director, Arlindo daRosa will be the Treasurer and a Co-Director, and Joe Silva will be the Secretary and a Co-Director. Premises will remain the same at **34 Beetle Street**.

*(No Advertisement nor Abutters Notification Required)*

**Change of Officers & Directors - Trans. # 192 – Plot # 46--152**

**Verdean Veterans Memorial Foundation, Inc., Diane Pina, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses.

Upon approval, Diane Pina will be the President and a Co-Director, Bernidino Silva will be the Vice-President and a Co-Director, Viola Pina Pires will be the Treasurer and a Co-Director, and Pamela Chumack will be the Secretary and a Co-Director. Premises will remain the same at **561 Purchase Street**.

**Approved By ABCC – 08/11/15**

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

**Change of Officers, Directors, & Manager - Trans. # 141 – Plot # 25-A-25**

**Young Cape Verdean Athletic Association, Inc., Donald S. Soares, New President**, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Donald Soares will be the President and Vice President, Renee DePina will be the Treasurer, and Andrea Barrett will be the Clerk; and Bonaventura J. Barboza, III, Paul L. Massey, Jr., and Lasheene R. Shawders will all be Co-Directors. **Liberio R. DeMello** is the **Proposed New Manager**. Premises will remain the same at **418 South Front Street**.

**Disapproved By ABCC – 08/11/15 - Failure to Comply With Mass Tax Laws (DUA) – 1<sup>st</sup> Attempt**  
*Application to be sent back to the ABCC "For Reconsideration", only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved.*

**Recommended Action:** Motion to remove Item #1 from the table and reconsider and rescind the Board's vote of 06/22/15 to suspend the club liquor license based on the receipt of the DOR Certificate of Good Standing, which completed the application.

**Tabled at 07/27/15**

**1. Hearing: Whaling City Club, Inc. – CLUB - DOR CERTIFICATE RECEIVED – 07/29/15**

**Carlos Barreira, Manager**

**447 Belleville Avenue**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1<sup>st</sup> deadline to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission. At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2015 Liquor License**. Depending on the Board's decision, you may be required to surrender your license until this matter is resolved. Your failure to appear will result in the automatic suspension of your license.

**Minutes of 06/22/15 Meeting**

**Present: Dennis Paim, Vice-President**

Mr. Nanopoulos informed the Board that the club still had not submitted a completed application, which includes a DOR Certificate of Good Standing.

When asked by Chairman Beauregard as to why the club had not received their DOR Certificate, Mr. Paim was unable to give an answer.

Based on the applicant's failure to submit an application as required, and Mr. Paim's ability to inform the Board as to the status of the club's DOR Certificate, Chairman Beauregard called for a motion.

**VOTED:** Based on the licensee's failure to submit a completed application including a Certificate of Good Standing from the Department of Revenue by the June 1<sup>st</sup> deadline, updating their officers and directors as required by the Alcoholic

Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to submit a complete application; with the stipulation that if the application is not submitted by July 20<sup>th</sup>, the licensee must appear before the Board at its July 27<sup>th</sup> meeting to surrender their license. – Unanimous**  
The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. **within five (5) days of receipt of the notice with a copy submitted to this office.**  
**(If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)**

Minutes of 07/27/15 Meeting

Present: *Denis F. Paim, Proposed New President along with Jaslyn S. Sweetman, Proposed New Secretar, and William T. Bumpus, Proposed New Manager*

**ACTION TAKEN:** Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

**Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.**

**NOTE:** As a result of the DOR Certificate of Good Standing being submitted on 07/29/15, the liquor license was released back to the club.

Tabled at 07/27/15

**2. PETITION - Trans. # 040 – Plot # 99 - 132**

**Whaling City Club, Inc., Denis F. Paim, (new) President, who is petitioning for a Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Denis F. Paim will be the President, Adriano V. Lopes will be the Treasurer, and Jaslyn S. Sweetman will be the Secretary; and Antonio Santo and Deodato Santo will be Co-Directors. The 'club' is also requesting the approval of **William T. Bumpus**, who resides at **1607 Braley Road, N.B., MA. as their New Manager.** Premises will remain the same at **447 Belleville Avenue.**

*(No Advertisement nor Abutters Notification Required)*

**Recommended Action:** Motion to remove Item #3 from the table and reconsider and rescind the Board's vote of 06/22/15 to suspend the club liquor license based on the receipt of the DOR Certificate of Good Standing, which completed the application.

Tabled at 07/27/15

**3. Hearing: Casa Do Benfica, No. 27, Inc. – CLUB - DOR CERTIFICATE RECEIVED – 07/29/15**

Francisco M. Vala, Manager  
1484 Acushnet Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1<sup>st</sup> deadline to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2015 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

Minutes of 06/22/15 Meeting

Present: *Atty. Irene Schall along with Francisco Vala, Manager and Daniel DaCosta, Director*

Atty. Schall stated, I was retained by the 'club' on or about June 11<sup>th</sup> ... and I have the application about 95% done ... there was some confusion regarding the due date of the tax return ... and whether or not an extension had been filed ... so consequently ... I was not able to get a Certificate of Good Standing ... but that's in process ... I anticipate that the return will be done on Friday ... there are no issues with the taxes, whatever, they are to be paid ... the club has a fund for that ...

so that's the only remaining part of the package ... and that's why I was not able to file today.

When asked by Chairman Beaugard as to what the estimated processing time would be, Atty. Schall responded, I don't know that yet ... I'm sorry... but it's only for the current year.

Chairman Beaugard responded, my concern with them is that they've had a long time to prepare for this, to which Atty. Schall responded, I know ... they know it too ... they've heard it from me ... so ... anybody that knows me ... they know I play it straight ... and I told them that it has to be done ... and I have to say ... once I got involved ... they've been very co-operative .

**VOTED:** Based on the licensee's failure to submit a completed application including a Certificate of Good Standing from the Department of Revenue by the June 1<sup>st</sup> deadline, updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to submit a complete application; with the stipulation that if the application is not submitted by July 20<sup>th</sup>, the licensee must appear before the Board at its July 27<sup>th</sup> meeting to surrender their license. – Unanimous**

The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. **within five (5) days of receipt of notice with a copy submitted to this office.**

**(If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)**

**Minutes of 07/27/15 Meeting**

**Present: Atty. Irene Schall along with Edson Pereira, Treasurer and Daniel DaCosta, Proposed New Manager**

**ACTION TAKEN:** Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

**Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.**

**NOTE:** As a result of the DOR Certificate of Good Standing being submitted on 07/29/15, the liquor license was released back to the club.

**Tabled at 06/22/15**

**4. PETITION - Trans. # 029 – Plot # 99 - 132**

**Casa Do Benfica No. 27, Inc., Manuel S. Bernardo, (new) President, who is petitioning for a Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Manuel S. Bernardo will be the President, Octavio Pereira will be the Vice-President, Edson Pereira will be the Treasurer, and Franco M. Vieira will be the Secretary; and Augusto Fernandes, Jose Fernandes, Roberto Amaral, Daniel Da Costa, and Francisco Vala will all be Co-Directors. The 'club' is also requesting the approval of **Daniel Da Costa**, who resides at **319 Query Street, N.B., MA. as their New Manager.** Premises will remain the same at **1484 Acushnet Avenue.**

***(No Advertisement nor Abutters Notification Required)***

**Recommended Action:** Motion to remove Item #5 from the table and reconsider and rescind the Board's vote of 06/22/15 to suspend the club liquor license based on the receipt of the DOR Certificate of Good Standing, which completed the application.

**5. Hearing: IBPOE, Elks, d/b/a William H. Carney Lodge #200 — **DOR CERTIFICATE RECEIVED – 07/30/15****

**Algie F. Wheatley, Manager**  
**159 Mill Street**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1<sup>st</sup> deadline to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2015 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

Minutes of 06/22/15 Meeting

Present: *Algie F. Wheatley, Manager along with Roosevelt Hunter, New President and Donald Gomes Treasurer*

Responding to questions from Chairman Beaugard, Mr. Hunter stated that they still had not received their DOR Certificate as a result of their checks being made out to the Department of Revenue instead of being made out to the Commonwealth of MA., so that had to be re-submitted, but they hadn't been posted yet.

**VOTED:** Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue by the June 1<sup>st</sup> deadline to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to complete their application; with the stipulation that if the application is not complete by July 20<sup>th</sup>, the licensee must appear before the Board at its July 27<sup>th</sup> meeting to surrender their license. – Unanimous**

The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. **within five (5) days of receipt of notice with a copy submitted to this office.**

**(If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)**

Present: *Algie F. Wheatley, Manager along with Roosevelt Hunter, New President and Donald Gomes Treasurer*

**ACTION TAKEN:** Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

**Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.**

**NOTE:** As a result of the DOR Certificate of Good Standing being submitted on 07/30/15, the liquor license was released back to the club.

Tabled at 06/22/15

**6. PETITION - Trans. # 073 – Plot # 25--88 (No Representation Required)--CLUB**

**IBPOE, Elks d/b/a William H. Carney Lodge #200, Roosevelt Hunter, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Roosevelt Hunter will be the President, Donald Gomes will be the Treasurer, and Algie Wheatley will be the Secretary; and Billy R. Graham, Russell Ramos, and James Bargasse will all be Co-Directors. Premises will remain the same at **159 Mill Street**.

*(No Advertisement nor Abutters Notification Required)*

Tabled at 07/27/15

**7. Hearing: Andrew Dahill Post #1531, Veterans of Foreign Wars of the U.S. — NEED DOR CERTIFICATE**

**Patrick M. Flinn, Manager**  
**477 Park Street**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to comply with the June 1<sup>st</sup> deadline to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2015 Liquor License**. Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

Minutes of 06/22/15 Meeting

Present: *Patrick M. Flinn, Manager/Treasurer*

Responding to questions from Chairman Beaugard, Mr. Flinn stated, I took over as the Treasurer on the 7<sup>th</sup> of this month ... we were on a payment plan with the Department of Revenue ... but the previous person didn't keep up with that ... I've been in touch with Mr. Michel Flinn with the DOR ... I received a packet today with the exact amount that we owe ... \$62,000.00 ... however ... some of the money has been paid ... this should be resolved in about a week ... at which time they'll issue me the DOR Certificate.

When asked by Chairman Beaugard as to the amount that they actually owe, Mr. Flinn stated, probably about in the

\$42,000.00 range ... it sounds like a lot of money ... but we do about \$250,000.00 a year ... roughly ... and there are also issues with two individuals which I'm doing an audit on ... regarding missing money ... but we do have a bond on the individuals ... if it is missing ... we have a bond for \$50,000.00 for recovery.

When asked by Chairman Beauregard as to how many members do they have, Mr. Flinn responded, we have about 138 members with about another 60-70 associate members, and that about 120 of the 198 are active members.

When asked by Chairman Beauregard as to when he anticipated he would have his DOR Certificate, Mr. Flinn responded, If I can work up the paperwork this week ... and submit next week ... I should have it within 30 days.

**VOTED:** Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue by the June 1<sup>st</sup> deadline to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, Commissioner Almeida made a motion to **suspend the Club All Alcoholic Beverages license effective July 27, 2015, and to hold the suspension in abeyance until July 20, 2015, giving the licensee additional time to complete their application; with the stipulation that if the application is not complete by July 20<sup>th</sup>, the licensee must appear before the Board at its July 27<sup>th</sup> meeting to surrender their license. – Unanimous**

The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. **within five (5) days of receipt of notice with a copy submitted to this office.**

**(If the licensee is in full compliance by July 20, 2015, the Board's vote to suspend the license will be rescinded.)**

**Minutes of 07/27/15 Meeting**

**Present:** Atty. Edmond Sylvia along with Patrick Flynn, Manager

**ACTION TAKEN:** Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue this evening, which was needed to complete their application updating their officers and directors as required by the Alcoholic Beverages Control Commission, the Board requested that their license be surrendered and ordered the premises closed until such a time as a Certificate of Good Standing from the DOR is submitted to complete their application.

**Upon receipt of the DOR Certificate of Good Standing, the club's license will be returned immediately.**

**Tabled at 06/22/15**

**8. PETITION - Trans. # 111 – Plot # 64--325 (No Representation Required)--CLUB**

**Andrews-Dahill Post #1531, Veterans of Foreign Wars of the U.S., Wallace Houtman, (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Wallace Houtman will be the President, Peter Gonzalez will be the Treasurer, and Patrick M. Flinn will be the Secretary; and Rodney J. Quinn, Robert A. Holt, Jose M. Dias, Jose F. Alymeda, and Orlando C. Ocano will all be Co-Directors. Premises will remain the same at **477 Park Street. (No Advertisement nor Abutters Notification Required)**

**Minutes of 06/22/15 Meeting**

**VOTED:** Based on the licensee's failure to submit a Certificate of Good Standing from the Department of Revenue, which is required to complete to their application; Commissioner Almeida made a motion to **table the matter until such a time that said certificate is submitted to complete the application. – Unanimous**

**9. Hearing: Times Square Restaurant, Inc. d/b/a Bar 908**

**Mr. Thomas A. Kerns, Manager**

**908 Purchase Street**

**Closed 07/03/15 - Estimated**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

**Violation: Licensing Board Regulation No.20**

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

Therefore, **you are required to surrender your license to the Board that evening** until such a time you have initiated one of the following three options:

- 1.) To be open and operating at the approved location as stated on your license;
- 2.) Receive approval for a change of location and a date certain for the opening at the new location;
- 3.) Receive approval for the sale and transfer of the license to a new owner.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your Common Victualler All Alcoholic Beverages License.

**Tabled 02/23/15**

**10. 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 2015. 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 2015 prior to this Board considering approval of your 2016 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 Wine & Malt Only Beverages License.**

**Minutes of 01/21/15 Meeting**

**Present: Randy R. Cardoso, Owner**

Based on the information provided to this Board regarding a pending application related to the soccer club on Nash Road, the Board voted unanimously once again to table the matter, until the Licensing Board’s February 23, 2015 Meeting.

**Minutes of 02/23/15 Meeting**

**Present: Randy R. Cardoso, Owner; Atty. Michael Medeiros who represents Isaiah Furtado, Prospective Buyer**

Atty. Medeiros stated that he’s been engaged by Mr. Isaiah Furtado, who’s an individual that owns Portugal Verde Soccer Academy, Inc. located at 424 Nash Road; who is going to be a prospective buyer of this liquor license.

Atty. Medeiros stated that he’s been given some specifics about the deal but I have not had an opportunity to put together a purchase and sales agreement; but I anticipate doing so within the next thirty days.

Chairman Beauregard informed Atty. Medeiros that the Board has had some issues with Mr. Furtado in the past, and that the Board would have to take a close look at the application, if one is submitted.

Atty. Medeiros stated that he would address the Board’s concerns regarding prior issues with Mr. Furtado, and that they would be mindful of that prior to going forward; and added that the only reason he was present was to explain the nature of the discussion between this individual and my client.

Chairman Beauregard advised Mr. Cardoso that he should keep looking for a buyer just in case this deal doesn’t materialize, although Atty. Medeiros stated that his client was committed to the deal; and that he would work with his client to address any concerns the Board may have.

**Voted:** On a motion by Commissioner Almeida, the Board voted unanimously to table the matter to the May Board meeting.

**Minutes of 07/27/15 Meeting**

**Present:** *Licensee was excused from attending.*

Mr. Nanopoulos informed the Board that a transfer application was in the process of being prepared to transfer the license to the soccer facility on Nash Road, therefore, he notified Mr. Cardoso that his presence was not required at this meeting; but he would have to appear at the August 24<sup>th</sup> meeting.

**ACTION TAKEN:** --None--

**Tabled 07/27/15**

**11. Hearing: Cultivator Shoals, Inc. d/b/a Cultivator**

**Mr. Jason P. Lanagan, Owner**

**29 Union Street**

**Transfer Approved - 10/01/14**

**Change of Description Approved – 01/16/15**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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 Wine & Malt Only Beverages License.**

**Minutes of 08/25/14 Meeting**

**Present:** *Jason P. Lanagan, Owner/Proposed Manager*

When asked by Mr. Nanopoulos as to when he planned on re-opening, we’re projected to re-open by the end of this year (2014).

**Minutes of 07/27/15 Meeting**

**Present:** *Licensee was excused from attending.*

Mr. Nanopoulos informed the Board that a possible transfer was in the works, therefore, he notified Mr. Lanagan that his presence was not required at this meeting; but he would have to appear at the August 24<sup>th</sup> meeting.

**VOTED:** The matter was tabled to Board’s August meeting on a motion by Commissioner Almeida. – **Unanimous**

**Tabled 07/27/15**

**12. Hearing: Sapatinha’s Café, Inc. d/b/a Euphoria Lounge**

**Mr. Jose G. Borges, Jr., Owner**

**289 Acushnet Avenue**

**Closed/Fire 01/26/15 – Ongoing Renovations**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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 General on Premise All Alcoholic Beverages License.**

**Minutes of 07/27/15 Meeting**

**Present: Jose Borges, Jr., Owner/Manager**

Responding to questions from Chairman Beauregard, Mr. Borges stated that the establishment was undergoing some renovations due to a fire that occurred in January; and that he bought the building from his father and that he would be doing a transfer of license and change of license type, which would be all in his name only.

When asked by Chairman Beauregard as to when he planned on being up and running, Mr. Borges stated that there have been delays waiting for plans and windows, and that there has already been 7 months of construction that has been completed.

When asked by Chairman Beauregard if he’s been in contact with Mr. Romanowicz (Commissioner of Buildings), Mr. Borges responded, the Building Department stopped us completing the renovations because they were lowering our capacity to 49 patrons because we took the double doors out in the front of the building based on his architect’s opinion that it wasn’t needed; and when I did, the Building Department said, I’m going to drop your capacity down to 49 based on that change. Mr. Borges added that his architect stated that he didn’t need double doors if his capacity was fewer than one hundred, but based on what the Building Department told him, his plans were being revised to add double doors on the rear entrance/exit of the building.

Chairman Beauregard then referenced the plans that were currently before the Board, which were provided by Mr. Borges, which showed the double doors on the north side of the building on School Street, to which Mr. Borges stated, we submitted a plan where the door is now with the only difference being that the door got wider because of the double doors. In discussing the matter of where the doors were located, there was some confusion between the plans that were being referenced by Chairman Beauregard, and the plans being referred to by Mr. Borges.

Chairman Beauregard voiced his displeasure with the main entrance now being in the back of the building, since that’s where the double doors would now be located, and that neither the Board nor Mr. Romanowicz would have approved that change; adding, if you just went ahead and said, I’m not going to put it on the north side ... I’m just going to put it in the back of the building.

Mr. Borges responded, that’s not what happened ... what happened was ... the door that was going to be on the School Street side ... just didn’t work ... I changed what the Building Department told me to change; and added, I didn’t want it back there either, that’s what they were asking for.

Chairman Beauregard suggested to Mr. Borges that he have a conversation with Mr. Romanowicz regarding the location of the doors, due to the fact that the plans that were presented to the Board show something different to what’s there now.

Mr. Nanopoulos clarified the matter by stating that the plans being referred to by Mr. Borges were never approved by the Board, and that there was now a new set of plans the Board has not seen, since they have not been submitted to the Board for approval, as of yet. Mr. Nanopoulos also informed Mr. Borges that he needed to submit the application for transfer and change of license type as soon as possible, which should include the final plans approved by the Building Department.

Chairman Beauregard strongly recommended to Mr. Borges, that no further work be done regarding the doors until such a time that plans have been submitted to Mr. Romanowicz and to this Board, and they’ve been approved by both departments.

**VOTED:** The matter was tabled to Board’s August meeting on a motion by Commissioner Almeida. – **Unanimous**

**Tabled 07/27/15**

**13. 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 2015. 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 2015 prior to this Board considering approval of your 2016 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 12/22/14 Meeting**

As a result of the open hearing held on December 22, 2014 to determine the status of your annual liquor license for the year 2014, and to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2015 renewal application; **this Board voted unanimously to approve the renewal of your license for '2015,' and to table the matter until The Board's July 27, 2015 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 July 1, 2015 to initiate one (1) of the following three (3) options prior to this date:**

- 4.) To be open and operating at the current location;
- 5.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 6.) 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.

**Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler Wine & Malt Only Beverages License.**

**Minutes of 07/27/15 Meeting**

**Present: Licensee Did Not Appear As Requested**

**VOTED:** The matter was tabled to Board's August meeting on a motion by Commissioner Almeida. – **Unanimous**

**14. Hearing: Simba, Inc. d/b/a Whiskey Lounge**

**Ms. Kristina Morrow, Manager/Co-Owner**

**1669 Acushnet Avenue**

**Change of Location Approved – 06/11/15**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

**\*\*\*LICENSEE DID NOT APPEAR AS REQUESTED AT 07/27/15 MEETING\*\*\***

**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.**

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

**Zeiterion Theatre, Inc., Justin LaCroix, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "VIP Membership Lounge Fundraiser"; to be held in the "**Penler Space**", located at **686 Purchase Street**; and to be held on **Saturday, August 1, 2015, from 6:00 p.m. until 10:00 p.m.**

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

**N. B. Harbor Development Commission, Dagny Ashley, Executive Director**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 21, 2015, from 6:00 p.m. until 8:00 p.m. ( To Benefit the Seaport Art Walk)**

**\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**O'Melia/Maura Wedding Party, JoAnne Maura, Applicant**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Wedding Reception' to be held at the **Fort Taber Community Center**, located in **Fort Taber Park**; and to be held on **Sunday, August 23, 2015, from 2:00 p.m. until 6:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured.)*

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

**Fathoms Bar & Grille, Inc., Christopher Bentley, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a '60<sup>th</sup> Birthday Party', to be held **on the outdoor grass area, which is contiguous to the outdoor patio area of the licensed establishment**, located at **255 Pope's Island**; and to be held on **Sunday, August 23, 2015, from 12:00 p.m. until 5:00 p.m.**

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

**Helping Hands of Farmers, Joseph Pereira, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'St. Jude Fundraiser' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, September 5, 2015, from 6:00 p.m. until 11:30 p.m.**  
**\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**New Bedford Art Museum, Jamie Uretsky, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Opening Reception' to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, September 18, 2015, from 6:00 p.m. until 8:00 p.m.**

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

**W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Wine Festival & Auction Fundraiser' to be held within the **New Bedford State Pier Building**, located at **93 State Pier**; and to be held on **Friday, October 2, 2015 from 5:30 p.m. until 9:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)*  
**\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**South Coast Business Alliance, Nick Francis, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '10<sup>th</sup> Annual Oktoberfest Fundraiser' to be held within the **New Bedford State Pier Building**, located at **93 State Pier**; and to be held on **Saturday, October 3, 2015 from 3:00 p.m. until 11:45 p.m.** *(Last call will be at 11 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)*  
**\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**23. Hearing: Route Six Properties, Inc. d/b/a Temptation**

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

Your presence and that of **Paul Vasconcelos** is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission (ABCC) Regulations and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to suspend your license until this matter is resolved.

**ABCC Regulation 204 CMR 2.05: (2)-**

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

**Licensing Board Regulation No. 6,**

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; immediate notice of the appointment must be made to the Board in writing.

This hearing will focus on the control and operations of the licensed premises, as well as your failure to comply with Mass. Tax Laws; and your failure to submit certain documents to complete your application for a Change of Manager, which was returned by the ABCC on 05/27/15. The Board is deeply concerned that you have failed to address those issues in a timely manner.

**Tabled 07/27/15**

**24. Hearing: O'Escondidinho, Inc. d/b/a Sebastian's Café & Sports Bar**

**Ms. Renee Y. Sebastian, Manager**

**110-12-14-County Street**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L., ABCC Regulations, and Licensing Board Rules and Regulations as reported by the City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to suspend your license.

This hearing will focus on an incident and the facts surrounding an incident that occurred outside of your establishment on Saturday, June 6, 2015, during which a patron was assaulted and robbed as he left your establishment.

The Licensing Board is especially troubled that, although your bartender came to the rescue of the patron, and witnessed who the assailants were, she refused to assist the police in their investigation. When asked her name and description of the males, she told the officers, "I don't want to get involved and that's all I'm saying." The police also stated that as the bartender was driving away, she yelled out to the victim in Portuguese, "Did you tell them anything?"

The potential violations are as follows:

**M.G.L. Ch. 138, sec. 63A-**

It is a violation to hinder, delay, or refuse to provide information to any authorized agent of the local licensing authority.

**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.12-**

Premises must at all times be kept safe.

**Date and time of alleged violations: Saturday, June 6, 2015 @ approximately 2:07 a.m. - Police Report #15-6820-OF LATE FILE – A written request was submitted on 07/23/15 by Atty. Medeiros on behalf of O'Escondidinho, Inc., requesting that tonight's scheduled hearing be continued (Tabled) until the August 24<sup>th</sup> meeting.**

- **CORRESPONDENCE**

---NONE--

- **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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-NONE-

- **NEXT TWO MEETING DATES:** Monday, September 21<sup>st</sup> & Monday, October 19<sup>th</sup> both in Room 314

- **MEETING ADJOURNED:**