Licensing Board

November 16, 2015 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING -AGENDA Monday, November 16, 2015
Room 314 – 7:00 p.m.

REQUIRED: Steven A. Beauregard, Chairman
Marcelino "Sonny" G. Almeida, Commissioner **"FINAL AGENDA"**
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 October 19, 2015

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer & Change of Location - Trans. # 151 – Plot # 53—198C
JAMA, LLC d/b/a Major League Burgers, Jane A. Magan -Askew, Manager of LLC, license formerly exercised on premises located at **914 Mt. Pleasant Street**, who is petitioning to t**ransfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Cultivator Shoals, Inc. d/b/a Cultivator.** Upon approval**,** Jason P. Lanagan will be the President, Secretary, Co-Director, and Co-Shareholder (50%); and, Howard L. Mallowes will be the Treasurer, Co-Director, and Co-Shareholder (50%). **Jason P. Lanagan** is the **Proposed Manager.** The (previously approved) licensed premises will consist of an area approximately 553 sq ft on the first floor of a three story building, which includes one (1) dining room with table seating for approximately Ten (10) patrons, and a bar with seating for six (6) patrons, along with an enclosed kitchen area. The licensed premises will also include two (2) handicapped restrooms, a prep area, and a secured walk-in cooler for liquor storage located in an adjacent first floor common area. (No alcohol shall be consumed in this area.**)** There is one handicapped accessible entrance/exit on the west side of the building onto Union Street along with an emergency only exit in the front of the building also onto Union Street, and an additional exit in the rear of the building. Premise is located on the north side of Union Street between Front and Water Streets, and will be numbered at **35 Union Street. (Re-numbered from 29 Union Street per City of N.B. Engineering Dept.)**
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
Approved By ABCC – 10/23/15
Received – 11/13/15 – A written request from Jay Lanagan requesting additional time to finish his renovations and obtain his final inspections; with a estimated opening date of 12/25/15.

Change of Manager - Trans. # 167 – Plot # 123--43
New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, 500 King's Highway, is requesting the approval of **Kathleen Mello,** who resides at 4801 North Main Street, Unit 209, Fall River, MA. **as their new manager.**
Approved By ABCC – 10/23/15

Change of Officers, Directors, & Manager - 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 **Dorothy L. Andrews,** who resides at 17 Adams Street, N.B., MA. as their **New Manager.** Premises will remain the same at **447 Belleville Avenue.**
Approved By ABCC – 10/29/15

Altering of Premises & Change of Location - Trans. # 118 – Plot # 47-45-A
Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting permission to Change the Description of the General on Premises All Alcoholic Beverages licensed premises to include an additional room approximately 2,067 sq. ft., which will include a service bar. The additional room, which is contiguous to the currently licensed premise, is located on the first floor of the one story building, and is numbered 686 Purchase Street. The room, which will have a direct entrance/ exit into 684 Purchase Street, as well as an emergency exit onto Purchase Street, will be used as a pre/ post -event reception area. The licensed premise shall now be numbered **684-686 Purchase Street.**

Final approval will require a **'Certificate of Inspection'** from the Building Department and a signed **'Fire & Building Certificate'** as required under the Chapter 304 Fire Acts Compliance.
Approved By ABCC – 10/30/15

1. PETITION - Trans. # 074– Plot # 12—287, *(No Representation Required)*
The Edge Hospitality, LLC d/b/a The Edge Seafood Restaurant & Bar, 1480 East Rodney French Boulevard, is requesting the approval of **Margaret Kulpinski,** who resides at 99 Flagg Swamp Road, Dartmouth, MA., **as their new manager.**

2. PETITION - Trans. # 074– Plot # 12—77, *(No Representation Required)*
The Edge Hospitality, LLC d/b/a The Edge – Tiki Bar, 1494 East Rodney French Boulevard, is requesting the approval of **Margaret Kulpinski,** who resides at 99 Flagg Swamp Road, Dartmouth, MA., **as their new manager.**

Tabled at 10/16/15 Meeting
3. 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.

Minutes of 09/21/15 Meeting

Present: ***Steven M Camara, Owner/Manager along with Steven Barreira, Proposed New Manager***

Mr. Nanopoulos informed him that since the last meeting a couple of things have changed, the first being that Atty. Matthews notified him by fax that he was not retained by Mr. Camara to represent him on this; and the second being that Mr. Camara submitted a letter stating that Mr. Vasconcelos had resigned his position as General Manager of Temptations; and that Mr. Camara would be submitting the name of Steven Barreira as the new manager, who was present here tonight.

Mr. Nanopoulos also stated that he had submitted a Certificate of Good Standing from the DUA, which resolved one of the outstanding issues regarding the pending change of manager application that is currently on file with the ABCC, which now needs to be withdrawn upon receipt of a new application.

The Board unanimously received and placed on file the three letters stated above.

When asked by Mr. Nanopoulos if he was going to be the new manager and as to when he planned on submitting that application, Mr. Barreira stated that he would be applying to be the new manager and that he would be submitting an application within the next 30 days; adding that he still had a couple of things he had to work out with Mr. Camara before he put the application in.

When Mr. Nanopoulos suggested to the Board that they require an application to be submitted by October 1st, Mr. Barreira asked if the Board would give him until November 1st to get the application in, due to the fact that he was going in for surgery in the beginning of October, and he would probably be out of commission for a week or two.

Voted: On a motion by Commissioner Craig, the Board voted unanimously to table the matter to the November meeting.

NOTE: The following was discussed with Mr. Camara and Mr. Barreira following the Board's vote:

When asked by Mr. Nanopoulos as to the hours that he's on the premises, Mr. Camara responded, some days I work at night … some days I'm there during the day.

When asked by Mr. Nanopoulos to give the Board specific hours, Mr. Camara responded, sometimes I'm there when we open at 12 p.m. until about 7p.m. … sometimes I'm there from 6 p.m. until 2 in the morning … it depends when my other managers are there.

Mr. Barreira also responded, we tend to overlap … I usually come in the morning … or he'll come in the morning … if I work the night before … we overlap the hours … each of us will roughly do about 55-60 hours a week there.

Mr. Nanopoulos stated that the issues that he's raising are those that the Chairman has raised in the past when the discussion of whether or not there is proper management in place and on the premises; adding, you (Mr. Barreira) have not been approved as the manager, therefore the Board needs to know that there is an 'approved' manager on duty, especially late night.

Mr. Nanopoulos informed Mr. Camara and Mr. Barreira that the Board had received yet another Police Report, which stated that there was a disturbance at closing time, which resulted in a patron being stabbed in the parking lot; and that it indicated that Mr. Barreira was there once again but that Mr. Camara, the approved manager, was not.

Mr. Barreira stated that Mr. Camara was there until about 8 o'clock that evening but left.

Mr. Nanopoulos informed the Board that during the last three incidents that were reported to the Board, Mr. Barreira was there but not Mr. Camara; and that Chairman Beauregard has expressed his concern that proper management is not in place during the hours that it needs to be.

Mr. Nanopoulos concluded his remarks by stating; now you're asking the Board to give you till November to submit a change of manager application, this change of manager issue started in April; I'm just laying out the concerns previously stated by the Chairman at prior hearings.

Commissioner Almeida recommended that Mr. Barreira open up and Mr. Camara close, so that proper management is in place during those late night hours, especially at closing time, which is when these reports are coming in; adding, that's when you should be there until you get a new manager approved.

Mr. Camara assured the Board that the change would be made.
Mr. Nanopoulos once again instructed Mr. Camara to get the 'new' change of manager application in as soon as possible.

Decision of 10/19/15 Meeting

***Present:* Atty. Patrick Matthews along with Steven Barreira, Proposed New Manager (Mr. Camara did not appear as requested)**

Per your hearing of Monday, October 19, 2015, it was the Board's decision to decrease your hours of operation and amend your Common Victualler (Restaurant) All Alcoholic Beverages License to reflect a 10:00 p.m. closing. This decrease in hours will remain until such a time that your application for a change of manager is approved by this Board. At that time, the Board will reconsider their decision to the rollback of hours.
Please note that your application for a change of manager **must be submitted by November 6, 2015** in order for it to be considered at the November 16 meeting.

4. PETITION - Trans. # 116– Plot # 60-26

Route Six Properties, Inc. d/b/a Temptation, 161 Pope's Island, is requesting the approval of **Kelvin Ortiz**, who resides at 242 Brownell Street, New Bedford, MA., **as their new manager.**

5. Hearing: Young Cape Verdean Athletic Association, Inc.
Mr. Barry R. DeMelo, Proposed New Manager
418 South Front Street

Your presence and that of **Renee DePina, Treasurer** 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 secure a Certificate of Good Standing from the Department of Unemployment Assistance (DUA) in a timely manner, which is required to complete your application for a Change of Officers, Directors, and Manager, which was returned once again by the ABCC on 10/08/15. The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well as your failure to resolve your outstanding issues with the DUA in a timely manner.
You have until November 12, 2015 to submit the requested documents.
As a result of your failure to comply in a timely manner, the Board will entertain testimony as to the actions of the Young Cape Verdean Athletic Association. Short of full compliance, the Board must take action and **as such you, are hereby ordered to bring with you your 2015 Liquor License**. Depending on the Board's findings,

you may be required to surrender your license until this matter is resolved.

6. Hearing: Young Cape Verdean Athletic Association, Inc.
Mr. Donald Soares, Proposed New President
418 South Front Street

Your presence 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 secure a Certificate of Good Standing from the Department of Unemployment Assistance (DUA) in a timely manner, which is required to complete your application for a Change of Officers, Directors, and Manager, which was returned once again by the ABCC on 10/08/15. The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well as your failure to resolve your outstanding issues with the DUA in a timely manner.
You have until November 12, 2015 to submit the requested documents.
As a result of your failure to comply in a timely manner, the Board will entertain testimony as to the actions of the Young Cape Verdean Athletic Association. Short of full compliance, the Board must take action and **as such you, are hereby ordered to bring with you your 2015 Liquor License**. Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

7. Hearing: Tane Corporation d/b/a Octane Sports Bar
Ms. Fernanda Carvalho, Co-Owner
1430 Acushnet Avenue
Closed 10/31/13 – License for Sale

Your presence and that of **Claudio Cabral** is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015**;** the Board will also consider taking action to revoke your Common Victualler All Alcoholic Beverages license based on your failure to comply with the Laws of the Commonwealth (DOR).
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.
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.

Please be advised that if you submit a 'current' Certificate of Good Standing at any time prior to this hearing, you will not be required to attend as requested.

8. Hearing: Andrews Dahill Post#1531
Veterans of Foreign Wars of the United States, Inc.
Mr. Patrick M. Flinn, Manager
477 Park Street
Closed 06/23/15 – Failure to Submit DOR Certificate of Good Standing

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 Club All Alcoholic Beverages License**.**

Tabled at 08/24/15 Meeting
9. Hearing: Times Square Restaurant, Inc. d/b/a Bar 908
Mr. Thomas A. Kern, Manager
908 Purchase Street
Closed 07/21/15

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.
08/24/15 Decision
VOTED: Commissioner Almeida made a motion **to table the matter until the Board's November 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, 2015 to initiate one (1) of the following three (3) options prior to this date**:

1.) To be open and operating at the current location;

2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use. - **Unanimous**
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 at 10/19/15 Meeting
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 the "Automatic Revocation" of your Common Victualler Wine & Malt Only License.

Tabled at 07/27/15 Meeting
11. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant
Ms. Xiaohui Yang, Owner
218 Union Street
Approved 12/09/14 – 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.

07/27/15 Decision

VOTED: Commissioner Almeida made a motion **to table the matter until the Board's November 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, 2015 to initiate one (1) of the following three (3) options prior to this date**:

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

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

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 at 09/21/15 Meeting

12. Hearing: De Abreu & Sons, Inc. d/b/a Fortuna Grill
Mr. Manuel De Abreu Dos Reis, Owner/Manager
288 Union Street
Closed 07/01/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 09/21/15 Meeting

As a result of the hearing held on September 21, 2015 to determine the status of your liquor license, this Board voted unanimously to table the matter to the Licensing Board's November 16, 2015 meeting, based on the information you provided to Mr. Nanopoulos; which included the recently signed P & S Agreement that was received and placed on file.

It is imperative that a transfer application be submitted to this office by October 28th, in order for it to be placed on the November 16, 2015 Agenda for approval.

As previously notified, if the buyer fails to submit an application by the stated deadline, you will be required to appear before this Board at our November meeting, at which time the Board will take action to cancel (revoke) your license for non-use as allowed under Ch. 138, sec. 77. (*The licensing authorities may, after hearing or reasonable opportunity therefore, may cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)*

It is the opinion of the Board that we have accorded you sufficient time to either be open and operational or locate an acceptable buyer. The fact remains, this license has not been active since it was returned to this office on July 1, 2014 and it's now considered to be a pocket license, which is prohibited per the Alcoholic Beverages Control Commission's directive dated October 1, 2004.

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.

Tabled at 08/24/15 Meeting

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 08/24/15 Meeting

As a result of the open hearing held on August 24, 2015 to determine the status of your annual liquor license for the year 2015, and to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application; **this Board voted unanimously to table the matter until this Board's November 16, 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 November 1, 2015 to initiate one (1) of the following three (3) options prior to this date**:

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

Notes: Mr. Moujabber stated that he was prepared to renew and pay for his license for 2016; Chairman Beauregard instructed Mr. Moujabber to contact Mr. Romanowicz in order to get the approvals he needs to move forward on whichever site he chooses to re-open at. (Original Site or Car Barn site); Mr. Nanopoulos also reminded Mr. Moujabber that he would be required to submit an application for a change of location, if he were to choose to re-locate to the Car Barn location, and that process could take 6-8 to weeks.
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.

14. Hearing: Royal Food & Beverage Co. d/b/a Royal II
Mr. Manuel Escobar, Co-Owner/President
123 MacArthur Drive
Closed 09/08/15

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 General on Premise All Alcoholic Beverages License.

Tabled at 07/27/15 Meeting

15. Hearing: The Sky Room, Inc. d/b/a The Sky Room
Ms. Audrey Carter, Manager/Owner
651 Orchard Street
Closed 12/22/14

Howland Mills Restaurant, Inc.
Atty. Richard J. Manning/Mr. Curtis Mello
651 Orchard Street

Your presence and that of Curtis Mello on behalf of Howland Restaurant, Inc., 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 07/27/15 Meeting

As a result of the open hearing held on July 27, 2015 to determine the status of your client's annual liquor license for the year 2015, and to discuss his plans for his liquor license for the year 2015 prior to this Board considering approval of his 2016 renewal application; **this Board voted to table the matter until the Board's November 16, 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 November 1, 2015 to initiate one (1) of the following three (3) options prior to this date**:

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

If your client fails to initiate one of the three options stated above prior to this date, he will be required to appear before this Board once again, at which time the Board may consider revoking his 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 All Alcoholic Beverages License.

16. Hearing: Ramon D. Silva Enterprises, LLC d/b/a "Union City"
Mr. Ramon D. Silva, Owner
248-250 Union Street

Based on information provided by the New Bedford Fire Department, 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 completed business plan form (see attached) detailing your hours of operations, as well as other information that is asked on the form.
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 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 such a time as 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.

17. Hearing: VVK Realty, LLC
Mr. Gregory Kulpinski, Owner
1494-F East Rodney French Boulevard
Transfer Approved 08/28/15/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 Common Victualler All Alcoholic Beverages License**.**

Tabled at 07/27/15 Meeting
18. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty
Mr. Shang Ying Zhao, Manager of LLC
114-116 Nauset Street
Transfer Approved 06/03/14 – Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 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.
07/27/15 Decision
As a result of the open hearing held on July 27, 2015 to determine the status of your annual liquor license for the year 2015, and to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application; **this Board voted table to the matter until the Board's November 16, 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 November 1, 2015 to initiate one (1) of the following three (3) options prior to this date**:

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

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.
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 At 10/19/15 Meeting

19. Hearing: Vila Franca Do Campo, Inc. d/b/a Vila Franca Restaurant Cafe
Mr. Carlos A. Santos, President
601 Second Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws and Licensing Board Rules and Regulations. Failure to comply with this notice may result in the Licensing Board taking action to suspend your license until this matter is resolved.

Issue Summary

It was brought to the attention of this office during its annual review of all our licensee's corporate filings, that

there has been a change of officers and directors within your corporation.

This issue also occurred in 2014, at which time the Director reviewed this issue with you and instructed you that paperwork needed to be filed with this office for any changes to your corporation, which must be approved by this Board and the Alcoholic Beverages Control Commission.

Your failure to file the appropriate paperwork has necessitated that you be called in for a hearing regarding this matter.

Please be advised that you have until October 1, 2015 to submit an application for a Change of Officers and Directors, as previously referenced. **Your failure to submit this application by this date will require you to attend the October 19th hearing**,

Please be advised that you are in violation of the following regulations that will require the board to take action:

MGL Chapter 138, sections 12 &15A-

An application must be filed to obtain approval from the local licensing authorities and the ABCC for a change of officers, directors, and stockholders.

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

VOTED: Commissioner Almeida made a motion to table the matter until the Board's November 16th meeting. – **Unanimous**

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

Fort Taber/Fort Rodman Historical Association, Joseph Langlois, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Halloween Party Fundraiser' to be held at the **Fort Taber Community Center**, located in **Fort Taber Park;** and to be held on **Saturday, October 31, 2015, from 8:00 p.m. until 11:45 p.m.** ***(Final approval will require Liquor Liability with the City named as additionally insured & a copy of the Police Detail Contract)***

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

New Bedford Chamber/UMass Dartmouth, Jessica Fernandes, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Business After Hours', to be held at the **Star Store Gallery** located at **715 Purchase Street;** and to be held on **Thursday, November 5, 2015, from 5:00 p.m. until 7:00 p.m.**

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

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Conference Reception', to be held at the **New Bedford Whaling Museum,** located at **18 Johnny Cake Hill;** and to be held on **Friday, November 13, 2015, from 6:00 p.m. until 7:00 p.m.**

23. APPLICATION, ***(No Representation Required)***
Low Tide Yacht Club, Ray Holberger, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'Award Dinner', to be held at the **Low Tide Yacht Club** located within **Fort Taber;** and to be held on **Saturday, November 14, 2015, from 4:00 p.m. until 11:00 p.m. .** ***(Final approval will require Liquor Liability with the City named as additionally insured.)***

24. APPLICATION, ***(No Representation Required)***
Gallery X, John Nieman, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Gallery X Art Raffle Fundraiser', to be held at the **Gallery X,** located at **169 William Street;** and to be held on **Saturday, November 28, 2015, from 7:00 p.m. until 10:00 p.m.**

25. APPLICATION, ***(No Representation Required)***
New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser', to be held at the **New Bedford Art Museum,** located at **608 Pleasant Street;** and to be held on **Friday, December 4, 2015, from 6:00 p.m. until 9:00 p.m.**

26. APPLICATION, ***(No Representation Required)***
Our Lady of Angels, Inc., Jeff Canastra, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser', to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue;** and to be held on **Saturday, December 5, 2015, from 2:00 p.m. until 6:00 p.m.**

27. Hearing: Vasco DaGama, Inc.
Ms. Maria O. Pinarretta, Owner/Manager
86 Dartmouth Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations and Licensing Board Rules and Regulations as reported by the N. B. Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They are as follows:

ABCC Regulation 204 CMR 2.05: (2)-
States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in, or on a licensed premises.

Licensing Board Regulation # 10, 12, & 19-
Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Premises must be kept safe at all times; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

Summary of Incident Reports
Police Department Incident Report states that an Officer while on patrol, observed a group of 10 or so people standing outside of Vasco Da Gama Restaurant, located at 85 Dartmouth Street; the Officer stated that it was brought to his attention because all the lights in the bar and the neon light beer signs in the window were still on, and it was now 2:35 a.m.

When the Officer entered the bar, there were open alcoholic beverages on the counter with patrons still inside. When the Officer asked everyone to leave, one male patron gave the Officer an attitude but did leave, leaving two females who were cleaning the bar counter off.
Upon being questioned by the Officer as to why she was still serving alcohol, the bartender stumbled behind the bar when she was answering; at which time the Officer realized that she was highly intoxicated while working. The other female stated that she was not an employee and that she was only trying to help clean up.
When the Officer asked for her I.D., the female employee stated that she'd get it for him in a minute; the Officer asked the female repeatedly for ten minutes for an I.D. only to find that she did not have a driver's license with her.
As the Officers attempted to get information to locate the owner, the female bartender became belligerent towards the Officers that were on the scene, and was later placed in protective custody for her safety and the safety of others for being highly intoxicated from the use of alcohol. She was later offered a portable breathalyzer test and she accepted; she blew a 0.240.
Date and time of alleged violations: Saturday, October 10, 2015 @ approximately 2:39 a.m. - #15 – 3061 - AR
Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license

until this matter is resolved.

- **CORRESPONDENCE**

  ---NONE--

- **COMPLAINTS RECEIVED:**

  ---NONE--

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

NAME	POLICE REPORT#	DATE	VIOLATION
---NONE--			

- **HOLIDAY HOURS**

*****The Licensing Board has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 26, 2015, as follows:**

- **Hotels, Restaurants, Taverns, and Clubs may sell** Alcoholic Beverages during the usual hours. **(8:00 a.m. until 2:00 a.m.)**

- **"Package Goods" Stores may not sell or deliver** Alcoholic Beverages at any time during the day: **but they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before**.

- **Manufacturers and Wholesalers and Importers <u>shall make no sales or deliveries</u>** at any time during the day

- ***<u>NEXT TWO MEETING DATES</u>:*** **Monday, December 21, 2015 & January 25, <u>2016</u>, both in Room 314**

- ***<u>MEETING ADJOURNED:</u>***

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