



Licensing Board

February 23, 2015 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 120

LICENSING BOARD MEETING

-MINUTES-

Monday, February 23, 2015
Room 120 (Ashley Room) – 7:00 p.m.

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

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Description - Trans. #083 – Plot # 53—198A

Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, President, who is petitioning for a **Change of Description** of the **Common Victualler (Restaurant) Wine & Malt Only Beverages License**. Upon completion of the renovations, the licensed area 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. Premises will remain the same at **29 Union Street**.

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

Approved By ABCC – 01/16/15

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

Pledge of License - Trans. #109 – Plot # 19--53

United Fishermen Club, Inc., Jack Custodio, President, who is requesting approval of a **Pledge of the General on Premise All Alcoholic Beverages License** to the **Fall River Five Cents Savings Bank, 79 North Main Street, Fall River, MA**. as security to authorize and execute a promissory note in the amount of **Three Hundred & Fifty Thousand Dollars (\$350,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Approved By ABCC – 02/04/15

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

1. PETITION - Trans. # 228 – Plot # 52--289

CUVE Wine, LLC d/b/a Crush New Bedford, which is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Todor Paunov is the Manager of the LLC and Co-Interest Holder (75%), and Kristian Vasilev is a Member of the LLC and Co-Interest Holder (25%); and **Jessica Garrity** is the **Proposed Manager of the Liquor License**. The (previously approved) premises will consist of an area, approximately 1,062 sq. ft., which will be used only for the sale of fine wines and malts only, that will include wine display cabinets and shelving, wine coolers, display tables, a wine accessories sale area, a sale and service desk area, and a limited seating area to be used as a product information center; there will also be an additional cooler room for storage in the rear of the premises, as well as additional storage in the basement. There is only one entrance/exit, which is located in the front of the building and leads onto Purchase Street; as well as a stairwell that leads to the storage area in the basement, which is located within the rear area of the store. The

premise is situated on the first floor of a three-story building, which is located on the west side of Purchase Street between Union and William Street, and numbered **801 Purchase Street**.

Final approval will require a **‘Certificate of Inspection’** from the Building Department.

Application has been advertised; Abutters have been notified

Present: Atty. George J. Leontire along with Todor Paunov and Kristian Vasilev, Co-Owners; and Jessica Garrity, Proposed Manager of the Liquor License

Responding to questions from Chairman Beauregard, Atty. Leontire stated that this application was for a ‘new’ wine and malt license for a location that was previously licensed, but the license was not renewed in November of 2014, and ceased to exist at that point; so currently, there no license issued for that location.

He added that several of the employees that worked there, will now work for the new entity, including Mr. Vasilev, who is now a co-owner, and the only thing that would be changing is that they had a cappuccino machine on premises prior but that has been removed.

When asked by Chairman Beauregard if there would be any on premise wine tastings, Mr. Vasilev stated that the tastings would only be done on the weekends within the allowed guidelines.

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

2. PETITION - Trans. # 122 – Plot # 119--13

Casa Chessa Corp. d/b/a Café Balena, Pietro Chessa, President, currently licensed at premises located at **24 North Water Street**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine and Malt Only Beverages (7 Day) License** to **Kellie E. Moreau d/b/a Shooter’s Billiards**.

The proposed transferee is also requesting a **Change of Location to 2112 Acushnet Avenue; as well as a Change of License Type from a ‘Restaurant Wine & Malt Only’ license to a ‘General on Premise Wine & Malt Only’ license**. Upon approval, **Kellie E. Moreau** will be the Sole Owner and **Manager of the liquor license**.

Upon completion of the renovations, the licensed area will consist of one room approximately 2,895 sq. ft. on the first floor of a two-story building, which will operate as a Billiard Parlor. The room will include a twelve seat bar area with nine (9) pool tables, five (5) two (2) seat tables, a storage room for alcohol, and two restrooms. There are two entrances/exits on the east side of the building, along with an additional exit on the north side of the building. The premise is located on the east side of Acushnet Avenue between Harwich and Brewster Streets, and is numbered **2112 Acushnet Avenue**.

Final approval will require a **‘Certificate of Inspection’** from the Building Department, a **‘Food Permit’** from the Health Department, and a copy of **‘Proof of Liquor Liability’**.

Application has been advertised; Abutters have been notified

Present: Atty. Michael Medeiros along with Kellie E. Moreau, Applicant and her husband, Brett Moreau; Albert Jeronymo, 2103 Acushnet Avenue (Not In Favor)

Responding to questions from Chairman Beauregard, Atty. Medeiros stated that it was his understanding that there would be a bar area built out with coolers set underneath the bar for the storage and sale of alcohol, as well as separate storage room for additional alcohol.

When asked by Chairman Beauregard, as to how many seats would there be at the bar, Mr. Moreau stated that once the bar is built out, there probably would be about 12-15 seats.

When asked by Chairman Beauregard, if alcohol would be allowed out in the pool table area, Ms. Moreau stated that it would be.

When asked by Chairman Beauregard if the alcohol would be served in glasses or cups, Mr. Moreau responded, both.

In response, Chairman Beauregard asked if it would be possible to put the beer in cups, to which Ms. Moreau responded, oh, absolutely!

Chairman Beauregard stated that he would feel much more comfortable if bottles were kept behind the bar and not out in the pool area with pool sticks around.

When asked by Chairman Beauregard if she had any previous experience in the service of alcohol, Ms. Moreau stated that she’s been a bartender for ten years and is currently a bartender at the Bitter End Café in Fairhaven, and that she was T.I.P.S. Certified.

Atty. Medeiros stated that she would be the primary person there along with her husband as well, who is also T.I.P.S. Certified.

When asked by Commissioner Craig if this has always been a billiards room, Ms. Moreau stated that it’s been one for over 30 years.

Atty. Medeiros stated that they've been managing the place since last November, and that they purchased the business this past January; and added, they've been doing well but they felt that if they were able to offer their patrons some beer and wine, that they could increase their sales; and that hours at this point are from 10 to 10, seven days a week.

Atty. Medeiros added, they're hoping, because they have the ability to open until midnight that if business improves, that maybe they'll expand their hours from 10 a.m. until midnight.

In response, Chairman Beauregard instructed the licensee to notify the Board of any changes in hours.

Prior to vote, Albert Jeronymo, who's not in favor of the petition, addressed his concerns regarding noise in the parking lot.

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

3. PETITION - Trans. # 133 – Plot # 101--77

Zamora and Family, Inc. d/b/a Churrascaria Aveirense at My Place, Alfredo F. Zamora, who is petitioning to transfer a **Common Victualler (Restaurant) Wine & Malt Beverages (7 Day) License to CF Nash Restaurant Group, Inc. d/b/a Churrascaria Aveirense at My Place**, who is also requesting approval of a **Pledge of the Common Victualler Wine & Malt Only Beverages License, Stock, and Inventory to Zamora & Family, Inc.** with an address of 39 Norwell Street, N.B., MA. as security to authorize and execute a promissory note in the amount of **Ninety Thousand Dollars (\$90,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Upon approval, Genevieve Correia will be the President, Treasurer, Clerk, CO- Director, and Co-Shareholder (50%), and Manuel L. Freitas will be the Vice-President, Co- Director, and Co-Shareholder (50%). Genevieve Correia is also the **Proposed Manager**; The previously approved premises consist of one (1) dining room, full kitchen, stockroom, and two (2) restrooms in an area approximately 1,628 sq. ft. of a one-story building. There are two entrances/exits in the front of the building onto Nash Road and two (2) emergency exits in the back of the building. Premises are situated on the north side of Nash Road between Brook Street and Ashley Boulevard, and will remain numbered **291-293 Nash Road.**

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

Application has been advertised.

Present: *Atty. Donald Perry along with Manuel L. Freitas, Co-Owner and Genevieve Correia, Co-Owner/Proposed Manager*

Responding to questions from Chairman Beauregard, Atty. Perry stated that they would operate it in the same way as it's presently being operated, and that it will remain primarily a food establishment, which closes at 9 p.m. daily; and that both new owners are T.I.P.S. Certified and that they have been working with the new owners for a few months.

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

4. PETITION - Trans. # 133 – Plot # 106-205 (No Representation Required)

MF-Silva Enterprises, Inc. d/b/a The Roasted Pig Bar & Grill, Mario F. Silva, Director, who is requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Newtek Small Business Finance, LLC**, with an address of **60 Hempstead Avenue 5th Floor, West Hempstead, New York**, as security to authorize and execute a promissory note in the amount of **Six Hundred Eighty-Six Thousand & Two Hundred Dollars (\$686, 200.00), pursuant to Massachusetts General Laws Ch.138 s.23.**

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

VOTED: Commissioner Almeida made a motion to take up **Item #'s 5 - 15** at one time; waive reading; and approve the applications as presented – **Unanimous**

5. 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 **Sunday, February 8, 2015, from 12:00 p.m. until 7:00 p.m.**

6. 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, February 14, 2015, from 7:00 p.m. until 11:45 p.m.**

7. 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 **Thursday, February 19, 2015, from 7:00 p.m. until 11:45 p.m.**

8. APPLICATION, (No Representation Required)

Flagship Cinemas, Inc., Hillarie Teves, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Movie Premiere Reception/Scott Lang”, to be held within the **Flagship Cinema Lobby**, located at **500 King’s Highway**; and to be held on **Friday, February 20, 2015 from 7:30 p.m. until 8:30 p.m. (21+ Event)**

9. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a ‘Lecture & Reception’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, February 26, 2015, from 6:00 p.m. until 7:00 p.m.**

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

The YMCA, Tara Pacheco, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “Party for a Cause – ‘Mardi Gras’ Fundraiser”, to be held at the **New Bedford YMCA Southcoast**, located at **25 South Water Street**; and to be held on **Saturday, February 28, 2015 from 7:00 p.m. until 11:00 p.m.**

11. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Arthur Motta, Jr., Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a ‘Painting with a Splash!’ event to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 5, 2015, from 5:30 p.m. until 8:30 p.m.**

12. APPLICATION, (No Representation Required)

“Healing Little Hearts”, Kelly Weglowski, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their “8th Annual Healing Little Hearts Gala & Auction”, to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, March 7, 2015 from 6:00 p.m. until 11:30 p.m.**

13. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a ‘Lecture & Reception’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 19, 2015, from 6:00 p.m. until 7:00 p.m.**

14. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a ‘Lecture & Reception’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 23, 2015, from 6:00 p.m. until 7:00 p.m.**

15. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt only Beverages License** for a ‘Lecture & Reception’ to be held at the **New Bedford**

Whaling Museum, located at **18 Johnny Cake Hill**; and to be held on **Thursday, May 7, 2015, from 6:00 p.m. until 7:00 p.m.**

16. Hearing: World Famous Pizza & Subs, Inc.
Mr. Mafia A. Holloway, Licensee
1114 Acushnet Avenue

Please be advised that after several attempts by this office to resolve the matter regarding your '2015' renewals (see attached), and as a result of your failure to resolve this matter as promised in your phone conversation with Mr. Nanopoulos several weeks ago, you are hereby requested at a 'Hearing' to be held in this office for violations described under Massachusetts General Laws Chapter 140 and City of New Bedford Ordinance S.15-1.2. - Operating without a license as a Common Victualler.

If said licenses are renewed and all outstanding debt issues are resolved **within five (5) days of receipt of this notice** with the requested paperwork submitted, then there will be no need for you to appear, otherwise your presence will be required.
Present: No one appeared as requested.

Voted: On a motion by Commissioner Almeida, the Board, voted unanimously to table the matter to the Board's March meeting,

17. 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 be held in this office to determine the status of your annual liquor license for the year 2015.

01/21/15 Minutes

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.

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 Board's May meeting,

18. Hearing: Simba, Inc. d/b/a XS Lounge/Nightclub
Ms Kristina Morrow, Manager/Co-Owner
226 Union Street

Current Status: Closed 09/25/14

Your presence and that of **Lawrence Bucha, Co-Owner** is respectfully requested at a hearing to determine the status of your annual liquor license for the year 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 of 10-24-14 Meeting

Present: Kristina Morrow and Larry Bucha, Co-Owner

The Board voted unanimously to table the matter until the Licensing Board’s February 23, 2015 Meeting with the following stipulation:

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

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

If the licensee fails to initiate one of the three options stated above prior to this date, the licensee will be required to appear before this Board once again, at which time the Board may consider revoking the license currently issued for 226 Union Street for non-use.

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.

Request To Be Heard (02/09/15) – Representatives from Parker Investments, LLC

Present: Kristina Morrow and Larry Bucha, Co-Owners; Arthur DeMello, Parker Investments, LLC

Responding to questions from Chairman Beauregard, Mr. Bucha stated that they’ve been trying to find a new location but they recently made a decision to put it on the market, and that they’ve put the license in the hands of Castelo Real Estate to help find a buyer.

When asked by Chairman Beauregard if Mr. Castelo understood the importance of the sale of this license, Mr. Bucha stated that he did.

Chairman Beauregard informed Mr. Bucha of the importance of moving the license due to the fact that there was another party now interested in moving into the space located at 226 Union Street, and that they would not be able to put another license in there, until such a time that the current license issued for the location is transferred out of there.

Mr. Bucha stated that they were offering the license for sale at a price they felt was market value (\$42,000.00 to \$55,000.00).

Chairman Beauregard offered his opinion that the higher amount was a little high, and informed Mr. Bucha that if it doesn’t sell, the Board has the right to revoke the license in order for these people (Parker Investments, LLC) to get in there and do their work.

Chairman Beauregard once again informed Mr. Bucha of the importance of conveying to Mr. Castelo the importance of pricing that license, so that it becomes very quickly marketable in the city.

Mr. Bucha responded, ‘correct’.

Chairman Beauregard informed Mr. Bucha that he was not telling him what the worth of the license is but only that he now needs to do his due diligence because he now has these guys looking to get into the property that they own; and that it’s costing them a lot of money by not being able to get in there and operate that building.

When asked by Chairman Beauregard as to what the time frame was that they were looking at to get in and get going with their project, Mr. DeMello stated that they were currently in negotiations with the owner of the Back Eddy’s, and that they were looking to get in there immediately; but we can’t enter into a contract or lease until we know where we stand, and that they were looking to put the new restaurant in 226 Union Street, since they’ve already purchased the assets at that location.

Mr. DeMello continued his comments by stating that there may be a couple of other ways to approach this, and that he’s spoken to Ms. Morrow and Mr. Bucha about it.

He went on to state that one way would be to do a change of location on both licenses, if it was acceptable to them; they would go into 218 Union Street, and we would go into 226 Union Street; and added, we don’t care how long they’re at 218 Union Street, we just need to have 226 Union Street available.

When asked by Chairman Beauregard, aren’t you going to make 218 and 226 Union Street into one big restaurant, with the existing equipment in 226 Union Street, Mr. DeMello responded, we are, but we can do it in phases.

Mr. DeMello also suggested that the law as it currently stands, which does not allow for a license to be moved into a location that currently has a license, needs to be changed to allow for some type of relief when this type of situation arises; and asked the Board to speak to members of the state delegation about changing the law based on the fact that it’s holding up economic development.

Chairman Beauregard suggested that the matter be tabled until the next meeting to give all parties an opportunity to find a

solution to this situation, and consider the suggestions put forth by Mr. DeMello.

Chairman Beauregard once again instructed Mr. Bucha to convey his earlier message to Mr. Castelo with regard to the importance of aggressively trying to move the license.

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

Action Taken: As has been the practice in the past, prior to taking up Item's 19 - 29, which were all 'Violation Hearings' based on 'Liquor Compliance Checks' that were coordinated by members of the Detective Division of the New Bedford Police Department, who conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol.

Chairman Beauregard suggested to those present for those hearings, that in lieu of time and due to the small room being used tonight, since everyone was sent a hearing notice which summarized the Police Reports of the incidents that took place, so, instead of having the Officer read each report individually, I'm going to ask all of you to raise your right hand, including the Officer, so that we can swear you all in at the same time; and he also informed everyone that Det. Sgt. Troy Spirlet, Jr., who was in charge of the compliance checks was here tonight, so if anyone had any questions of the Officer, they would certainly have the right to ask him any questions that they may have, and if they wanted to hear him read his report, he would do so; but since you all received a summary of his report, instead of sitting here and hearing them re-read them over and over again. He concluded his remarks by asking if anyone had any objections, upon seeing & hearing none, everyone was sworn in, and the meeting continued with item's 19 thru 29 taken up individually, with each licensee being called up individually in the order that they appeared on the agenda to sit before the Board, and each hearing was held.

19. Hearing: Nicole & Lucy Corp.

d/b/a Park Sports Cafe

Mr. John L. Medeiros, Manager

329 Rivet Street

Your presence and that of **Thomas Perry, Employee**, is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license.

They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12 & 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner.

Summary of Incident Report # 1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol.

When officers entered the premises through the open and ajar door located in the driveway on the north side of the building, they counted nine (9) patrons with six (6) of them either having a beer bottle containing beer, clear gas with wine, or a mixed drink in a clear plastic cup containing alcohol in it.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 10:10 a.m.

Summary of Incident Report # 2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city

bylaws, with regard to the service of alcohol. When officers entered the premises through the open and ajar door located in the driveway on the north side of the building, they counted two (2) patrons with one(1) male having a clear glass with wine in it. The Officers also recognized the male as being present with a glass of wine in front of him the last time the compliance checks were conducted. When asked by Officers who gave the male the wine, Mr. Perry stated that he did, who the Officers also recognized as being present the last time the compliance checks were conducted.

Date and time of alleged violations: Sunday, December 21, 2014 @ approximately 8:47 a.m.

Police Report #14-127483 – OF Incident #1

Police Report #14-16200 – OF – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

Upon being asked by Mr. Nanopoulos if he had received a copy of the ‘Hearing Notice’, and if he had read the summary contained in the notice, and if he understood why he was before the Board based on the summary and the list of alleged violations contained in the ‘Notice’, Mr. Medeiros acknowledged that he received the notice and was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Chairman Beauregard opened the hearing by asking Mr. Medeiros if he had any questions for the Officer, to which Mr. Medeiros responded that he did not; and added that he pretty much knew what happened.

When asked by Chairman Beauregard if he had anything he wanted to present as evidence or say to the Board before they made their decision, Mr. Medeiros stated that he had no defense to offer, adding that it was his fault and his responsibility, and that it would never happen again.

Chairman Beauregard asked Mr. Medeiros if he understood that he was before the Board for two separate incidents, we were in your establishment on October 5th and again on December 21st, and both times you were found to be serving alcohol before the allowed time.

Prior to making his motion, Commissioner Almeida stated that his decision was weighed heavily by the fact that the licensee was found in violation for a second time for the same offense, less than ten weeks after the first violation.

VOTED: As a result of the testimony presented, the Board concurred that the licensee violated (**2 Counts**) the following sections of M. G. L. Chapter 138, sections 12 & 33-; and **voted unanimously to suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of four (4) days (04/06/15 – 04/09/15), with all to be served;** and to place the licensee on probation for one (1) year commencing on February 24, 2015, on a motion by Commissioner Almeida.

The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of M.G. L. Ch. 138 within five (5) days of receipt of this decision. A copy of said appeal must be submitted to this office as well.

20. Hearing: Whaling City Club, Inc.

Mr. Carlos Barreira, Manager

447 Belleville Avenue

Your presence and that of **Dennis Paim, Vice-President, and Francisco Araujo, Bartender/Secretary** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12, 33, & 63A-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days’ business or opening, or closing the business in an orderly manner; It is a violation to hinder, delay, or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority.

N. B. Licensing Board Rules & Regulations - # 7

Licensed Premises shall be subject to inspection at any time by the Police, Health, and Safety Inspectors, the ABCC, the Licensing Board and their authorized agents.

Summary of Incident Report # 1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. The Officers reported that when they first arrived, they attempted to open the door and found it to be locked, at which time they observed a surveillance camera facing straight down to the door; the Officers then knocked on the door and awaited a response.

With no answer within a few minutes, the Officers went back to the cruiser, but within a minute, an unidentified male walked up to the same door and knocked on the door; seconds later, the door opened and the male entered the building.

The Officers noted that they were wearing sweatshirts marked "POLICE" on the front and back and arms, along with a badge marked on their chest, as well as having their badges, handcuffs, firearms, and radios, which were all visible.

The Officers then attempted to gain entry at the same door by knocking numerous times, but received no answer. Moments later after knocking again, they were allowed to enter by the Vice-President of the club.

When officers entered the premises, they observed ten (10) patrons and four (4) members sitting at the bar with beer bottles containing beer, and clear plastic glasses, clear shot glasses containing alcohol, and clear plastic cups containing water and cigarette filters. The bartender working at the time, then identified as the Secretary of the Club, informed the Officers that they had just finished a meeting. The other executive members attempted to explain that they are not the only ones who do this, and asked if the officers could give them a break this one time.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 9:35 a.m.

Summary of Incident Report #2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. The Officers reported that they observed a male knock on the door and turn west; he then took off his hat and looked at the camera, and pointed at the door. The Officers waited with the male until someone opened the door (Mr. Araujo). Upon entering the premises, they observed two (2) males sitting at the bar with alcohol in front of them. As the officers were gathering information, they heard voices in the back of the building. Upon entering the back room, they observed three (3) males with one being the club president. One of the other males in the room had a Budweiser bottle (half empty); who Mr. Barreira stated was a worker and was drinking while working. The Officers also recognized the bartender (Mr. Araujo) as being the same bartender present the last time the compliance checks were conducted.

Date and time of alleged violations: Sunday, December 21, 2015 @ approximately 9:13 a.m.

Police Report #14-12781 – OF Incident #1

Police Report #14-16201 – OF – Incident #2

Present: Dennis Paim, Vice-President along with Francisco Araujo, Bartender/Secretary (Carlos Barreira, Manager, did not appear as requested); Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

When asked by Mr. Nanopoulos as to why Mr. Barreira was present, Mr. Araujo stated that he was sick and had oxygen problems, so he was unable to attend.

Upon being asked by Mr. Nanopoulos if he had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was before the Board based on the summary and the list of alleged violations contained in the 'Notice', Mr. Paim acknowledged that he received the notice and was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Chairman Beaugard opened the hearing by asking Mr. Paim if he had any questions of the Officer, to which Mr. Paim responded that he did not; and added that what's on the report, is pretty much what happened.

When asked by Chairman Beaugard if he had anything he wanted to present as evidence or say to the Board before they made their decision, Mr. Paim stated that he had no defense to offer, adding that it was his fault and his responsibility, and that it would never happen again.

21. Hearing: Clube Uniao Faialense, Inc.
Mr. Jose I. DeFraga, Manager
701 Orchard Street

Your presence and that of **Herman Arruda, Board Member/Bartender**, is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12 & 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner.

Summary of Incident Report # 1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. When Officers entered the premises, they counted twenty-five (25) patrons with eight (8) of them either having beer bottles with beer, or clear glasses containing alcohol in them.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 10:25 a.m.

Summary of Incident Report # 2

Police Department Incident Report states that Officers, while once again working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. When Officers entered the premises, they counted twelve (12) patrons with one (1) of them having a small plastic cup containing alcohol in it. The Officers also recognized the bartender as being the same bartender as the last time the compliance checks were conducted.

Date and time of alleged violations: Sunday, December 21, 2014 @ approximately 8:35 a.m.

Police Report #14-12785 – OF Incident #1

Police Report #14-16199 – OF – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

22. Hearing: The Monte Pio Luso-Americano Corporation
Mr. Michael Frias, Manager
540 Orchard Street

Your presence and that of **Helder Almeida, Treasurer/Director**, and **Joao Vieira, (Bartender on Duty)**, is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12 & 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises

prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner.

Summary of Incident Report #1

Police Department Incident Report states that Officers while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. When officers entered the premises, they observed twelve (12) patrons with two (2) of them having Styrofoam 12 oz. cups containing wine in front of them. The Officers then approached one of the two males who were behind the bar, who identified himself as the Treasurer/Director of the club, and advised him that he was in fact in violation and that a report would be filed, and submitted to the Licensing Board. Mr. Almeida then asked the other male behind the bar with him at the time, who identified himself as the bartender, if he had served anyone alcohol; Mr. Vieira just stared at him with a blank stare, and answered no.

It was noted in the Officer's report, that when they first approached Mr. Almeida, Mr. Vieira was in the process of pouring a cup of wine into a Styrofoam cup, which was located right behind Mr. Almeida, and then handed it to a patron. When told what the Officers had observed, Mr. Vieira just shook his head yes. The Officers then checked the other cups on the bar which either had wine or beer in them.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 10:15 a.m.

Summary of Incident Report #2

Police Department Incident Report states that Officers while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. When officers entered the premises, they observed fifteen patrons with one of them sitting at the bar having a 12 oz. paper cup containing beer in front of him.

The Officers also recognized the bartender as being the same bartender as the last time the compliance checks were conducted, at which time the establishment was also found to be in violation, and who was serving a customer wine in a Styrofoam cup.

Date and time of alleged violations: Sunday, December 21, 2015 @ approximately 8:25 a.m.

Police Report #14-12784 – OF Incident #1

Police Report #14-16198 – OF – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

23. Hearing: New Bedford Sports Club, Inc.

Mr. Luis Vieira, Manager

792 Acushnet Avenue

Your presence and that of Carlos Souza, Bartender, along with the “current” President of the Club, is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws (MGL) and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license.

They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12, 33, &63A-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner; It is a violation to hinder, delay, or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority.

N. B. Licensing Board Rules & Regulations - # 7

Licensed Premises shall be subject to inspection at any time by the Police, Health, and Safety Inspectors, the ABCC, the Licensing Board and their authorized agents.

Summary of Incident Report #1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. The Officer's report states that the doors were locked and that they had to be allowed in. Upon entering the premises, the Officers observed five (5) patrons inside the club but they couldn't prove they were drinking, but there were five (5) snifter glasses found behind the bar, which had a bartender on duty.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 8:30 a.m.

Summary of Incident Report #2

Police Department Incident Report states that Officers while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. The Officer's reports state that the doors were locked and that they had to be allowed in. Upon entering the premises, the Officers observed four (4) males sitting at the bar drinking what appeared to be coffee. Upon entering the kitchen area, the Officers observed one (1) male talking to another with a Budweiser in his hand. The Officers also recognized the bartender as being the same bartender as the last time the compliance checks were conducted.

Date and time of alleged violations: Sunday, December 21, 2014 @ approximately 9:45 a.m.

Narrative Report - Incident #1

Police Report #14-16202 – OF – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

24. Hearing: Club Recordacoes DePortugal, Inc.

Mr. Ricardo Martins, Manager

249-253 Coggeshall Street

Your presence and that of **Antonio DaSilva, President, and Alipio Dosantos, Bartender**, to determine whether you have violated certain provisions of the Massachusetts General Laws, and Alcoholic Beverages Control Commission Regulations, and City of New Bedford Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12, 33, & 63A-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner; It is a violation to hinder, delay, or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority.

N. B. Licensing Board Rules & Regulations - # 7

Licensed Premises shall be subject to inspection at any time by the Police, Health, and Safety Inspectors, the ABCC, the Licensing Board and their authorized agents.

Summary of Incident Report # 1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random

checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws with regard to the service of alcohol. The Officers reported that when they first arrived, they noticed several surveillance cameras outside the doorway to each entrance of the club, and knocked on each of the doors several times.

The Officers knocked at several of the doors for a few minutes and eventually an unidentified male opened the door to come outside to smoke a cigarette. The male stated that there were people inside but he did not have a key to the door. The Officers knocked on the door and another male (Antonio DaSilva, Club President) opened the door, and was asked if there was anyone inside, to which he responded “no”. When the Officers asked if they could come in, Mr. DaSilva stated, no, we are closed, and asked for a search warrant; at which time the Officers noticed that he was attempting to stall them from entering the premises.

When officers entered the establishment, they observed twenty-five (25) to thirty (30) patrons including a child, sitting watching television or playing cards. The Officers noticed a beer bottle and a mixed drink on the bar, which the bartender picked up and placed under the bar; the Officers also noticed a mixed drink with ice in it behind the bar, which smelled of alcohol.

The bartender stated that the drink (with ice in it) was left over from yesterday. The Officers knocked on the side doors (hall side), at which there was no answer. When the Officers looked through a window, they observed the bar full of patrons and told people to open the side door, at which point a male opened the door while holding eight (8) bottles. When the Officers asked where the bottles came from, they were told that they were from a function on the previous night; the Officers noted that the function room was totally clean.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 9:50 a.m.

Summary of Incident Report #2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. After observing that the parking lot was full, the Officers attempted to gain entrance by knocking on the door; but no one would allow them to enter. The Officers waited for a patron to enter with a key, and entered behind him. Upon entering the premises, the Officers observed approximately 25 people in the club but did not observe any alcohol being consumed.

Date and time of alleged violations: Sunday, December 21, 2015 @ approximately 10:20 a.m.

Police Report #14-12782 – OF Incident #1

Narrative Police Report – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

25. Hearing: Portuguese Sports Club, Inc.

Mr. Nelson A. Rodrigues, Manager
56 Delano Street

Your presence and that of **Antonio Correia, President, and Robert Ribeiro, Bartender** is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12, 33, & 63A-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days’ business or opening, or closing the business in an orderly manner; It is a violation to hinder, delay, or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority.

N. B. Licensing Board Rules & Regulations - # 7

Licensed Premises shall be subject to inspection at any time by the Police, Health, and Safety Inspectors, the ABCC, the

Licensing Board and their authorized agents.

Summary of Incident Report # 1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. When the Officers first arrived, the doors were locked but they could hear a soccer game on the television playing inside. After noticing that there were surveillance cameras close to the door, the Officers knocked on the door several times before a male finally opened the door, and let the Officers in. Upon entering the premises, the Officers observed five (5) patrons sitting at the bar watching soccer, with four (4) drinks (2 beers & 2 mixed) on the bar in front of the patrons; as well as two males behind the bar with one male pouring a mixed drink.

As the Officers were exiting the bar, the Officers heard Mr. Correia (President) yell out in Portuguese, “ Quem e que – ilhos deixou entra, which translated means, “Who let them In?”

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 10:30 a.m.

Summary of Incident Report # 2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. Upon entering the locked premises behind a patron entering the club, the Officers observed approximately 5 patrons inside the premises with no evidence of alcohol being served.

Date and time of alleged violations: Sunday, December 21, 2015 @ approximately 10:40 a.m.

Police Report #14-12787 – OF Incident #1

Narrative Police Report – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirelet, Jr., Reporting Officer

26. Hearing: O’Escondidinho, Inc. d/b/a Sebastian’s

Ms. Renee Y. Sebastian, Manager

110-12-14-County Street

Your presence and that of **Maria Paiva, Bartender** is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12 & 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days’ business or opening, or closing the business in an orderly manner.

Summary of Incident Report # 1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. When officers entered the premises, they observed five (5) patrons with two (2) of the patrons having Styrofoam cups in front of them. The Officers also noticed a male slowly and casually try to crumble up his Styrofoam cup and place it in his left front pocket. The Officers took a picture of the cup and also smelled the contents inside which confirmed an alcoholic beverage was the content of the cup.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 10:40 a.m.

Summary of Incident Report # 2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random

checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. Upon entering the premises, the Officers observed approximately 25 patrons inside the premises with no evidence of alcohol being served.

Date and time of alleged violations: Sunday, December 21, 2015 @ approximately 9:07 a.m.

Police Report #14-12789 – OF Incident #1

Narrative Police Report – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

27. Hearing: Ilha Verde Café, Inc. d/b/a Ilha Verde Cafe

Ms. Nelia Barbosa, Manager

85 Delano Street

Your presence and that of **Euridice Barbosa, Bartender** is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12 & 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner.

Summary of Incident Report # 1

Police Department Incident Report states that Officers while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. As Officers were walking toward the establishment, they noticed three (3) males walk into the establishment.

The Officers followed them in and noticed thirteen (13) other patrons already sitting in the bar with eight (8) Styrofoam cups filled with beer in front of them; and two (2) bottles of beer placed behind the bar by the bartender, which were placed there by the bartender when she saw them come in.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 10:35 a.m.

Summary of Incident Report # 2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. Upon entering the premises, the Officers observed approximately 6 patrons inside the premises with no evidence of alcohol being served.

Date and time of alleged violations: Sunday, December 21, 2015 @ approximately 9:05 a.m.

Police Report #14-12788 – OF Incident #1

Narrative Police Report – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

28. Hearing: Café Monte Carlo Corp.

Mr. Tony S. Pereira, Owner/Manager

1478 Acushnet Avenue

Your presence and that of **Ana Teixeira, Bartender** is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may

take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12 & 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner.

N. B. Licensing Board Rules & Regulations - # 7

Licensed Premises shall be subject to inspection at any time by the Police, Health, and Safety Inspectors, the ABCC, the Licensing Board and their authorized agents.

Summary of Incident Report # 1

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. The Officer's report states that the premises was open at 9:15 a.m. on Sunday but there were no issues to report.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 9:15 a.m.

Summary of Incident Report # 2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. Upon entering the premises, the Officers observed two males who had Styrofoam cups with alcohol. When asked by the Officers if there was alcohol in the cups, they stated, just a little brandy. When the female bartender was asked if she knew she was not supposed to be serving alcohol, she stated, 'yes, I know'. There were also several males in a back room playing dominos.

Date and time of alleged violations: Sunday, December 21, 2015 @ approximately 10:00 a.m.

Narrative Police Report – Incident #1

Police Report #14-12789 – OF

Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirllet, Jr., Reporting Officer

29. Hearing: Elizabeth's Restaurant, LLC

Ms. Elizabeth Riz, Owner/Manager

1461 Acushnet Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of the Massachusetts General Laws and Alcoholic Beverages Control Commission Regulations, as reported by City of New Bedford Police Department Incident Reports. Based on their findings, the Licensing Board may take action to modify or suspend your license. They are as follows:

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

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

Violations: Massachusetts General Laws, Chapter 138, sections 12 & 33-

In no event may sales be made between 2:00 a.m. and 8:00 a.m. on weekdays; and in no event may sales be allowed before 11:00 a.m. on Sundays. Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour

(2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner.

Summary of Incident Report # 1

Police Department Incident Report states that Officers while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. When officers entered the premises, they observed two males eating with two bottles of Heineken on their table, which were open and half open. When they asked the waitress if she had served the two males the two beers that were on the table, she stated that she had.

Date and time of alleged violations: Sunday, October 5, 2014 @ approximately 9:25 a.m.

Summary of Incident Report # 2

Police Department Incident Report states that Officers, while working on a Liquor Compliance Detail, conducted random checks to make sure city liquor establishments were following rules and regulations, and were in compliance with city bylaws, with regard to the service of alcohol. The Officer's report states that the premise was open at 10:00 a.m. on Sunday with 3 patrons on the premises but there were no issues to report.

Date and time of alleged violations: Sunday, December 21, 2014 @ approximately 10:00 a.m.

Police Report #14-12780 – OF Incident #1

Narrative Police Report – Incident #2

Present: John L. Medeiros, Owner, along with Thomas Perry, Employee; Capt. Steven Vicente, Liaison to the Lic. Bd. along with Det. Sgt. Troy Spirlet, Jr., Reporting Officer

NOTE: The Board, once again reminded each licensee in their written decision. of the following ABCC Rules and Regulations and Licensing Board Rules & Regulations:

Licensees are not permitted to allow any patron or guest to enter the licensed premises prior to the allowed opening hour (8:00 a.m. Monday thru Saturday; and 11:00 a.m. on Sunday) as stated on the issued license nor are they permitted to allow any patron or guest to remain on the premises after 30 minutes of the closing hour (2:00 a.m.) as stated on the issued license. Owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next days' business or opening, or closing the business in an orderly manner.

• **CORRESPONDENCE**

From: County of Bristol, The Superior Court
02/13/15

Dated –02/04/15

Received –

Re: Howland Mills Restaurant, Inc. v. The Sky Room, Inc.

651 Orchard Street, 4th

FL

C.A. No. 1473-CV-0632

Pursuant to Rule 58(a) of the Massachusetts Rules of Civil Procedure, the parties to the above-captioned agree that judgment shall enter in favor of plaintiff, on its complaint against defendant, providing as follows:

1. That plaintiff holds a first security interest in the All-Alcoholic Beverage Liquor License (for Restaurant use) issued by the City of New Bedford, for the premises located at 651 Orchard Street, 4th floor, New Bedford, MA.; and
2. That Plaintiff has the right to take possession and/or title to the secured collateral described above.

Plaintiff's Attorney

Defendant's Attorney

Richard J. Manning, Jr. (BBO#550465)

Atty. Gregory Koldys (BBO#27684)

ACTION TAKEN: Received & Placed on File.

• **COMPLAINTS RECEIVED:**

---NONE--

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

NAME

POLICE REPORT#

DATE

VIOLATION

---NONE--

- **Upcoming Summer Events & Festivals**

- **Cinco De Mayo Celebration** – May (March Meeting)
- **Summer Concert Series** – July thru Sept. (April Meeting)
- **Day of Portugal** – June 6th, 7th, & 8th (April Meeting)
- **Cape Verdean Day Parade** – July 5th (May Meeting)
- **New Bedford Summerfest** – July 4th, 5th, & 6th (May Meeting)
- **Irmandade Do Divino Espirito Santo Do Pico** – July 10th, 11th, 12th, & 13th (May Meeting)
- **Feast of the Blessed Sacrament (Madeira Feast)** – July 31st, Aug. 1st, 2nd & 3rd (June Meeting)

- **ANNUAL REPORT 2014**

In accordance with **Chapter 138, s10A of the Massachusetts General Laws**, relative to the granting of licenses for the sale of alcoholic beverages, we are pleased to submit herewith a full report of the actions of the New Bedford Licensing Board for the year **2014**.

There were a total of **183** liquor licenses granted as renewals for the year **2015**.

There was **1 Retail Package Store Wine & Malt Only Beverage License**, which was not signed by the licensee during the month of November as required by law; therefore, the license was not renewed for '2015'; the license reverted back to the city. (Under Quota)

Crush Beverages Company, Inc. d/b/a Crush Fine Wines – Lic. # 07780021

There was **1 Common Victualler (Restaurant) All Alcoholic Beverage License**, which was signed during the month of November as required by law; but the licensee (DOR) chose not to pay the renewal fee in December to complete the renewal, therefore, the license was not renewed for 2015 and was lost to the city. (Over Quota)

Ferdade, Inc. d/b/a The Pub - Lic. # 077800002

There were **2 New Retail Package Store Wine & Malt Licenses Approved in 2014**, which were renewed for 2015:

Allen Street Convenience, Inc. - Lic. # 077800225

Nar Fuel, Inc. d/b/a Hi Lo Gas - Lic. # 077800227

There was **1 Farmer Series Pouring Permit (Winery)** renewed for 2015:

Travessia, LLC d/b/a Travessia – Lic. #077800220 (Not Included In the 183 Total)

There was **1 “New” Seasonal License** granted as a renewal in **2014**:

The Edge Hospitality, LLC d/b/a The Edge Tiki Bar– Lic. #077800226 (Not Included In the 183 Total)

The number of licenses of each class renewed for **2015** is as follows:

Innholder All Alcoholic Beverages	2
Restaurant All Alcoholic Beverages	84
Restaurant Wines and Malt Beverages (7 Days Licenses)	16
Restaurant Wines and Malt Beverages (6 Days Licenses)	3
General on Premise All Alcoholic Beverages.....	17
Club All Alcoholic Beverages.....	26
Club Wines and Malt Beverages	0
Retail Package Goods Store All Alcoholic Beverages	23
Retail Package Goods Store Wines and Malt Beverages....	12
Druggist All Alcoholic Beverages	0
<u>Total Licenses</u>	<u>183</u>

Special One - Day Licenses Granted in 2014:

Special One Day All Alcoholic Beverages Licenses.....	<u>123</u>
Special One Day Wines and Malt Beverages Licenses.....	<u>74</u>

Revenue received from the various classifications of licenses during **2014**:

New Retail Package Store Wine & Malt Only license granted to **Allen Street Convenience, Inc. – Lic.**
Issued on 04/29/14 \$1,650.00

New Retail Package Store Wine & Malt Only license granted to **Nar Fuel, Inc. d/b/a Hi Lo Gas – Lic.**
Issued on 06/19/14 \$1,650.00

Renewals:

2 Innholder All Alcoholic Beverages Licenses	\$9,000.00
84 Restaurant All Alcoholic Beverages Licenses	\$247,800.00
3 Restaurant Wines and Malt Beverages (6 DAY Wine & Malt)	\$5,100.00
16 Restaurant Wine and Malt Beverages (7 Day Wine & Malt)	\$28,800.00
17 General on Premise All Alcoholic Beverages Licenses	\$51,000.00
26 Club All Alcoholic Beverages Licenses	\$59,800.00
23 Retail Package Goods Store All Alcoholic Beverages Licenses	\$55,200.00
11 Retail Package Goods Store Wines and Malt Beverages Licenses	\$21,450.00
1 Farmer-Winery Pouring Permit	\$1,300.00
1 Seasonal License	\$1,500.00
123 Special One - Day All Alcoholic Beverages Licenses	\$16,500.00
74 Special One - Day Wines and Malt Beverages Licenses	\$8,825.00
45 Filing Fees	\$4,500.00
Total Revenue.....	\$514,075.00

Schedule of License Fees for **2014** are as follows:

Innholder All Alcoholic Beverages	\$4,500.00
Restaurant All Alcoholic Beverages	\$2,950.00
Restaurant Wines and Malt Beverages - 7 Days	\$1,800.00
Restaurant Wines and Malt Beverages - 6 Days	\$1,700.00
General on Premise All Alcoholic Beverages	\$3,000.00
Club All Alcoholic Beverages	\$2,300.00
Club Wines and Malt Beverages	\$1,450.00
Retail Package Goods Store All Alcoholic Beverages	\$2,400.00
Retail Package Goods Store Wines and Malt Beverages	\$1,650.00
Farmer Series Pouring Permit (Winery)	\$1,300.00
Restaurant All Alcoholic Beverages (Seasonal)	\$1,500.00
Special One-Day All Alcoholic Beverages (Over 2 Hrs.)	\$150.00
Special One-Day All Alcoholic Beverages (1-2 Hours)	\$125.00
Special One-Day Wines and Malt Beverages (Over 2 Hrs.)	\$125.00
Special One-Day Wines and Malt Beverages (1-2 Hours)	\$100.00
Filing Fees	\$100.00

Violation Hearing: There were **10** Violation Hearings held in 2014.

The foregoing is a correct statement of the number of liquor licenses, the fees charged for same, and the total amount of revenue received from the licenses by the **New Bedford Licensing Board for the year 2014.**

- **NEXT TWO MEETING DATES:** Monday, March 23rd (Rm. 120 - Ashley Room)
& **Tuesday**, April 21st (Rm. 314)
- **MEETING ADJOURNED:** 9:00 p.m.