



Licensing Board

May 18, 2015 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-MINUTES-

Monday, May 18, 2015

Room 314 – 7:00 p.m.

PRESENT: Steven A. Beaugard, Chairman (Unable To Attend/Work Commitment)

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

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

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

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF JANUARY 20, 2015 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer, Change of Location, & Change of License Type - 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’**.

Approved By ABCC – 04/15/15

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

Altering of Premises - Trans. # 077 – Plot # 53--195

The Pequod, Inc. d/b/a Rose Alley Ale House, Jason P. Lanagan, President, who is petitioning to **Alter the Premises** to include in the description of the **Common Victualler (Restaurant) All Alcoholic Beverages License**, a raised one-story wooden deck contiguous to the main dining room on the north side of the existing building. The deck will be approximately 20’ x 32’ (640 sq. ft.), and will include eight (8) 36” square tables with seating for four (4) at each table, and an outdoor service bar. The outdoor area will be accessible through the existing dining area, as well as from a rear stairwell located on the street level parking lot on the west side of the building.

The deck will be enclosed by a 42” inch high railing. The licensee is also requesting operating hours of **11:30 a.m. until 2:00 a.m. daily**. The premises will remain numbered **94 Front Street**.

Final approval will require approval from both the Building Department and from the Health Department.

Approved By ABCC – 04/17/15

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

1. PETITION - Trans. # 229 - Plot # 53--80

Tia Maria's Café, Inc. d/b/a Tia Maria's European Cafe., Jessica Coelho, President, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, **Jessica Coelho** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and **Manager**. The licensed premises will be in an area approximately 1,400 sq. ft., which will include three (3) rooms that will include two rooms for dining with a small service bar, and one room (lounge) with couch seating for patrons; the area also includes a kitchen area, a take-out area, and two (2) restrooms on the first floor of a three-story building. Alcohol will be stored and served from the kitchen area located in the rear of the building, as well as from the small service bar. The premises is situated on the east side of North Water Street between Centre and Hamilton Streets, and includes one (1) entrance/exit in the front of the building onto North Water Street; as well as an additional emergency exit onto North Water Street, and another emergency exit located in the kitchen area, and will be numbered **42-46 North Water Street**.

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: Jessica Coelho, Applicant along with Ron Arruda

Responding to questions from Commissioner Craig, Ms. Coelho stated that she's been operating the restaurant since February of 2013, and that she was not currently T.I.P.S. Certified; she also stated that here hours would remain the same and that she was not looking to be a bar, and that she does dinners on Friday and Saturday nights, as well as on AHA Nights!!

She added that she wants to keep it a family friendly environment and once again stated that she didn't want to be a bar.

Voted: Commissioner Craig made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; along with the stipulation that Ms. Coelho submits 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. # 014 - Plot # 53--197

Pier 37, LLC d/b/a Pier 37, Jeremy J. Dias, Manager of LLC, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor patio area approximately 448 sq. ft. (16' X 28') to be used as a 'Sidewalk Café', which will be enclosed with 21" high planters that will be used to rope off the described area, and will be used for **seated dining purposes only**. The enclosed area, which will include Five (5) tables for the seating of twelve (12) patrons and two (2) umbrellas for shading, will be located on the south side of the building, which is contiguous to the licensed premises. The proposed outdoor area **will only be accessible** by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and wait staff at all times. There will also be an additional exit that leads to the front door of the establishment. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1ST through October 30th**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensed premises will remain numbered **37 Union Street**.

Application has been advertised; Abutters have been notified

Present: Jeremy J. Dias, Co-Owner/Manager along with Eddy Yedlin, Co-Owner

Responding to questions from Commissioner Almeida, Mr. Dias stated that there would be seating for twelve (12) patrons, and the area would be used for dining only, and that they would serve all drinks in plastic cups.

There was no one present to speak or be recorded in favor nor was anyone present to speak or be recorded against the petition, when asked by Commissioner Almeida.

Voted: Commissioner Craig made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval with stipulations that all drinks are to be served in plastic cups. – **Unanimous**

Note: Mr. Nanopoulos informed the licensee that they could serve food outside, if they wished; but they could not serve alcohol outside until such a time the approval is received from the ABCC.

3. PETITION - Trans. # 149 - Plot # 47--39

Cork County, Inc. d/b/a Slainte Irish Pub & Grill, Catherine Carter, President, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor patio area

approximately 378 sq. ft. (28' X 13.5') to be used as a 'Sidewalk Café', which will be enclosed with a black bollard and chain, and will be used for seated dining purposes only. The enclosed area, which will include Eight (8) 36" wrought iron tables and chairs for the seating of Thirty-Two (32) patrons and umbrellas for shading, will be located on the north side (front) of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. There will also be an additional exit that leads to the front door of the establishment. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1ST through October 30th**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensee is also requesting that the license be amended to remove the space at 44 Union Street as part of their licensed premise, and to delete the following section from their description: "An additional room with a service bar, approx, 1,900 sq. ft. for a function hall and more dining space, which was approved by the ABCC on 11/19/03." The licensed premises will now be numbered **34 Union Street**.

Application has been advertised; Abutters have been notified

Present: Barry Flynn, Co-Owner

Responding to questions from Commissioner Almeida, Mr. Flynn stated that they would be serving until 10 p.m. and that there would be seating for thirty-two (32) patrons; and that they would follow the requirement to serve all alcohol in plastic cups.

There was no one present to speak or be recorded in favor nor was anyone present to speak or be recorded against the petition, when asked by Commissioner Almeida.

Voted: Commissioner Craig made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval with stipulations that all drinks are to be served in plastic cups. – **Unanimous**

Note: Mr. Nanopoulos informed the licensee that they could serve food outside, if they wished; but they could not serve alcohol outside until such a time the approval is received from the ABCC.

Tabled at 04/21/15

4. PETITION - Trans. # 094 – Plot # 106--85

St. Michael Social Club, Inc., Joao Medeiros, 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, Joao Medeiros will be the President, Adriano Valadao will be the Vice-President, Rodolfo Botelho will be the Treasurer, and Luis Pacheco will be the Secretary; and Jose Soares, Paul Amaral, and Paulo J. Pacheco will all be Co-Directors. **Joao A. Raposo is the Proposed New Manager**. Premises will remain the same at **101 Madeira Avenue**.

(No Advertisement nor Abutters Notification Required)

Present: The proposed new manager did not appear as requested.

Mr. Nanopoulos informed the Board that the application was not complete, as a result of the applicant's failure to submit a Certificate of Good Standing from the DOR; and recommended that the matter be tabled until such a time the DOR Certificate is submitted.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the May 18th meeting**, in order to give the applicant an opportunity to submit the required Certificate of Good Standing from the DOR; and to ensure that the proposed new manager is in attendance at said meeting.

Present: Atty. Michael Medeiros along with Joao Medeiros, New President and Joao A. Raposo, Proposed New Manager

Mr. Nanopoulos informed the Board once again that the application was not complete, as a result of the applicant's failure to submit a Certificate of Good Standing from the DOR; therefore, it could not be taken up at this time, and recommended that the matter be tabled until such a time the DOR Certificate is submitted.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the June 22nd meeting**, in order to give the applicant an opportunity to submit the required Certificate of Good Standing from the DOR; and to ensure that the proposed new manager is in attendance at said meeting.

5. PETITION - Trans. # 034 – Plot # 127-D-200 (No Representation Required)

Private A. Poirier Post #3260, Veterans of Foreign Wars of the U.S., Inc., Dennis A. Pelletier, (new) President, who

is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Dennis A. Pelletier will be the President and a Co-Director, Paul N. Guilbeault will be both Treasurer and Secretary; and George Walker and Delfino R. Garcia will be Co-Directors. Premises will remain the same at **281 Appleton Street**.

(No Advertisement nor Abutters Notification Required)

Present: *No one was required to appear.*

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**

6. PETITION - Trans. # 147 – Plot # 106--141 (No Representation Required) – LATE FILE

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

Upon approval, Mario J. Almeida will be the President, Antonio Brandao will be the Vice-President, Monica Marie DaSilva will be Treasurer, and Jose Casimiro will be the Secretary; Maegan Marie DaRosa, Jose Furtado, Brian DaRosa, Sr., Ana Isabel Furtado, and Rosa Brandao will all be Co-Directors. Premises will remain the same at **81 Tinkham Street**.

(No Advertisement nor Abutters Notification Required)

Present: *No one was required to appear.*

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 remove item # 7 from the table. – **Unanimous**

Tabled at 04/21/15 Meeting

7. PETITION - Trans. # 019 – Plot # 99-29

Tane Corporation d/b/a Octane Sports Bar, Fernanda Carvalho, President, (license formerly exercised on premises located at **1430 Acushnet Avenue**), who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Candleworks Ventures, LLC**. The proposed transferee is also requesting a **Change of Location to 72N North Water Street and a Change of License Type from a Common Victualler (Restaurant) All Alcoholic Beverage license to a Hotel (Innholder) All Alcoholic Beverages license**. Upon approval, **Andrew F. Rockett** will be the Sole Manager/Member and Interest Holder (100%) of the LLC, and the **Proposed Manager of the liquor license**. The 'current' proposed plans call for a Five – Story (141 room) hotel facility with a ground floor bar and restaurant, first floor conference center and meeting area, function/banquet room (s), restaurant and terrace, temporary and permanent lounge area (s), and kitchen (the "Hotel").

The hotel will be situated on the east side of North Water Street, between Elm and Rodman Streets, and will be numbered **72N North Water Street**.

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

Minutes of 03/25/15 Meeting

A written request was submitted by Atty. Peabody on behalf of Candleworks Ventures, to table the matter to the Board's April 21st meeting, due to the fact that they were unable to complete the application in time.

VOTED: The Board voted unanimously to receive the letter and place it on file; and approved the request to table the matter to the Board's next meeting on 04/21/15, on a motion by Commissioner Almeida.

Minutes of 04/21/15 Meeting

Present: *Atty. Tim Wenger, Appearing on behalf of the transferee and the proposed new manager.*

Mr. Nanopoulos informed the Board that the applicant had submitted the missing documents to complete the application but he was informed that Mr. Rockett was unable to attend due to health reasons. Mr. Nanopoulos informed the Board that he had conferred with Atty. Markey, Asst. City Solicitor, and he agreed that the hearing should not be opened, and that the application should be re-advertised to be in compliance with the law.

Chairman Beauregard informed Atty. Wenger that the proposed manager is required to appear before the Board for

approval, as is the case with all transfers that come before the Board; and even more important with the size of this project; and added that Mr. Rockett would be required to appear at the May 18th meeting, for which the application will have to be re-advertised.

ACTION TAKEN: None

Present: No one was required to appear.

Mr. Nanopoulos informed the Board that in a letter received on May 11, 2015, Atty. Peabody on behalf of Candleworks Ventures, to withdraw the pending application for transfer; with notice that a new transfer application will be submitted to the Licensing Board by June 5, 2015 for the meeting scheduled for June 22, 2015.

Mr. Nanopoulos recommended that the letter be received and placed on file, and that the request be granted.

VOTED: The Board voted unanimously to receive the letter and place it on file; and approved the request to withdraw the application with no further action.

8. Hearing: Young Cape Verdean Athletic Association, Inc.

Mr. Donald Soares, President

418 South Front Street

Your presence and that of **Renee DePina, Treasurer, and Liberio DeMelo, Proposed New Manager** is requested at an emergency hearing to be held in this office 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 Revenue in a timely manner, which is required to complete your application for a Change of Officers, Directors, and Manager, which was returned by the ABCC on 04/28/15. The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well your failure to resolve your outstanding issues with the DOR in a timely manner.

Present: Atty. Michael Medeiros along with Paul Amato, Accountant, Donald Soares, New President, Renee DePina, New Treasurer, and Barry DeMelo, Proposed New Manager

Mr. Nanopoulos informed the Board once again that the application was not complete, as a result of the applicant's failure to submit a Certificate of Good Standing from the DOR; therefore, it could not be taken up at this time, and recommended that the matter be tabled until such a time as the DOR Certificate is submitted.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the June 22nd meeting**, in order to give the applicant an opportunity to submit the required Certificate of Good Standing from the DOR.

9. Hearing: Clube Ponta Delgada, Inc.

Walter Gibau, Jr., Manager

61-65 Madeira Avenue

Your presence and that of **Goncalo Santos, Treasurer and Christina Machado, Proposed New Manager**, is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to suspend your license until such a time as this matter is resolved.

This hearing will focus on the control and operations of the licensed premises, and your failure to submit a completed

application for a change of officers, directors, and manager, in a timely manner; as a result of your most recent yearly meeting, at which time a new manager was voted in, as well as other changes in club officers. This office was initially notified of the change on December 3, 2014, and you were told later in January of this year that you had to include the required paperwork in your application to update your officers and directors, in order for the change of manager request to be accepted by the ABCC for approval.

The Licensing Board is concerned that after proper notice, you have failed to submit the paperwork required to make the required changes, which must be approved by this Board and the Alcoholic Beverages Control Commission. This is in contravention to your legal duties. By failing to make the required changes in a timely manner, you made a conscious decision to place your license at risk.

The Licensing Board is exceptionally troubled that there is currently not an approved manager handling the day to day operation of the 'club'.

The potential violations are as follows:

Violations: Massachusetts General Laws Chapter 138, section, 12, 12A, & 15A

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

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

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

Licensing Board Regulations No. 6-

Each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises, and who shall be satisfactory to the Board, and who shall be a United States citizen.

Present: Christina Machado, Proposed New Manager along with Jose Pacheco, New President, Goncalo Santos, New Treasurer, and Walter Gibau, Jr., Current Manager of Record.

Mr. Nanopoulos informed the Board that this has been an ongoing issue since December.

Ms. Machado stated that they've retained Atty Donald Perry to prepare and complete the application, but the DOR Certificate was still an issue but they were working on it.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the June 22nd meeting**, in order to give the applicant an opportunity to submit a complete application, including a Certificate of Good Standing from the DOR.

10. APPLICATION, Representation Required – LATE FILE

Cape Verdean Recognition Day Committee, Julio Barbosa, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser/Cape Verdean Day Parade Festival', to be held in the Morse Twist Drill Parking Lot; and to be held on **Sunday, July 5, 2015, from 11:00 a.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

***** REQUESTING CHANGE OF LOCATION*****

Present: Mary Ann Rogers, Cape Verdean Recognition Day Committee; Capt. Steven Vicente, Liaison to the Licensing Board

Responding to questions from Commissioner Craig, Ms. Rogers stated that they would enclose the area as they have done in the past with orange snow fencing, and that they would have two Detail Officers in that with two entrances/exits on each end of Madison Street; and they would have barrels with signs and that only plastic cups would be used; and they would also be issuing wristbands, and the alcohol would be purchased from Quality Beverage.

VOTED: On a motion by Commissioner Craig, the Board voted unanimously to **approve the application with the new location (32 Madison Street-P.A.C.E. Parking Lot).**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 11 - 46** at one time; waive reading; and approve the

applications as presented – Unanimous

11. 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 an ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, May 8, 2015, from 5:30 p.m. until 7:30 p.m.**

12. APPLICATION, (No Representation Required)

Club SS Sacramento Scholarship Committee, Rosemary Rebello, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Wine Tasting Fundraiser’ to be held at the **Madeira Field - Main Pavilion**; and to be held on **Saturday, May 9, 2015 from 6:00 p.m. until 9:00 p.m.**

13. APPLICATION, (No Representation Required)

Bristol Community College Foundation, Wayne Wood, 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 **Bristol Community College**, located at **800 Purchase Street**; and to be held on **Thursday, May 14, 2015, from 5:00 p.m. until 7:00 p.m.**

14. APPLICATION, (No Representation Required)

Sea Streak, LLC, John Silva, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Season Kick-Off Event’ to be held in **The Ferry Terminal** located on **49 State Pier**; and to be held on **Saturday, May 23, 2015 from 5:00 p.m. until 7:00 p.m.**

15. APPLICATION, (No Representation Required)

The Azorean Maritime Heritage Society, Rosemary Rebello, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Wine Tasting Fundraiser’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, May 30, 2015 from 6:00 p.m. until 9:00 p.m.**

16. APPLICATION, (No Representation Required)

Prince Henry Society, Dan Costa, Vice-President, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for their ‘General Meeting Event’ to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Tuesday, June 2, 2015, from 6:00 p.m. until 9:00 p.m.**

17. 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 an ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Wednesday, June 3, 2015, from 5:30 p.m. until 7:30 p.m.**

18. APPLICATION, (No Representation Required)

Cape Verdean Association In New Bedford, Inc, Raquel Dias, President who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an ‘Open House Fundraiser’ to be held within the **Cape Verdean Association Cultural Center**, located at **1157 Acushnet Avenue**; and to be held on **Saturday, June 13, 2015 and Sunday, June 14, 2015 11:00 a.m. until 6:00 p.m.** **NOTE:** This event is being held on the Day of Portugal weekend.

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

19. APPLICATION, (No Representation Required)

Society of Senhor da Pedra/Holy Ghost Society, Brian Da Rosa, Sr., Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Fundraiser/Holy Ghost Society Feast’, to be held in **Webster Court (Senhor da Pedra Parking Lot)**, located at **81 Tinkham Street**; and to be held on **Saturday, June 20, 2015, from 6:00 p.m. until 11:45 p.m. and Sunday, June 21, 2015 from 6:00 p.m. until 11:00 p.m.** (*Final approval will require Liquor Liability naming the City of New Bedford as additionally insured as well as a copy of the Police Detail Contract*) - “No Changes As Previously Approved”

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

20. APPLICATION, (No Representation Required) – LATE FILE

Pub 6 Social Corp. d/b/a Pub 69 at the Sixth Bristol, James Pettijean, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for the ‘Normandin Teacher’s End of Year Cookout’, to be held in the **Sixth Bristol Parking Lot**, located at **736 Ashley Boulevard**; and to be held on **Friday, June 26, 2015, from 1:00 p.m. until 8:00 p.m.**

21. APPLICATION, (No Representation Required)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Rocker’s Against Bullying Event Fundraiser’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Saturday, June 27, 2015 from 11:00 a.m. until 11:00 p.m.**

22. APPLICATION, (No Representation Required)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Children’s Hospital Fundraiser’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, June 28, 2015 from 11:00 a.m. until 11:00 p.m.**

23. APPLICATION, (No Representation Required)

New Bedford Folk Festival Committee, Jaime Kelly, Event Technical Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘New Bedford Folk Festival’, to be held within the **Bank Five Parking Lot** located off **Spring Street**; and to be held on **Saturday, July 4, 2015 and Sunday, July 5, 2015, from 12:00 p.m. until 7:00 p.m. (Last Call @ 6.30 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)**

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

24. APPLICATION, (No Representation Required)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Omega Reign Festival Fundraiser’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, July 12, 2015 from 11:00 a.m. until 11:00 p.m.**

25. APPLICATION, (No Representation Required) – LATE FILE

The Monte Pio Luso Americano Corp., Helder Almeida, Treasurer, requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for their ‘Annual Holy Ghost of Acores Feast’ to be held in the ‘**Club Parking Lot**’, located at **540 Orchard Street**, and to be held on **Friday, July 17, 2015 and Saturday, July 18, 2015, from 6:00 p.m. until 11:45 p.m. each night; and Sunday, July 19, 2015, from 12:00 p.m. until 10:30 p.m. (Copy of the Police Detail Contract Required)**

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

26. APPLICATION, (No Representation Required) – LATE FILE

Shark’s Fund Fisheries Corp., Matthews F. Philips, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for an ‘Awards Banquet/North Atlantic Shark Tournament’, to be held at **Marine Park on Pope’s Island (under a tent)**; and to be held on **Saturday, July 18, 2015, from 7:00 p.m. until 11:45 p.m. (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)**

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

27. APPLICATION, (No Representation Required)

Low Tide Yacht Club, Edward Lobo, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Steak Cookout’, to be held inside the **Low Tide Yacht Club**, located within **Fort Taber Park**; and to be held on **Saturday, July 18, 2015, from 6:00 p.m. until 10:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured)**

28. APPLICATION, (No Representation Required)

Low Tide Yacht Club, Edward Lobo, Representative, who is requesting approval of an application for a **Special One**

Day Wine & Malt Only Beverages License for their “Light The Bay” Medley Regatta, to be held inside the Low Tide Yacht Club & Tent, located within **Fort Taber Park**; and to be held on **Saturday, July 25, 2015, from 5:00 p.m. until 7:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured)*

29. APPLICATION, (No Representation Required)

St. Michael Social Club, Inc. Valdir Araujo, Representative requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘Fundraiser/Fiesta Do Chicharro’ to be held on **Madeira Avenue**, located at **101 Madeira Avenue (On Street)**, to be held on **Friday, July 24, 2015 from 6:00 p.m. until 11:45 p.m. and on Saturday, July 25, 2015 from 12:00 p.m. until 11:45 p.m.**

(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)

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

30. APPLICATION, (No Representation Required)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Police Appreciation Day’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Saturday, August 15, 2015 from 11:00 a.m. until 11:00 p.m.**

31. APPLICATION, (No Representation Required)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘Annual Benefit/American Cancer Society’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, August 16, 2015 from 11:00 a.m. until 11:00 p.m.**

32. APPLICATION, (No Representation Required)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Dan Festival Fundraiser’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, September 20, 2015 from 11:00 a.m. until 11:00 p.m.**

- **Day of Portugal Event - Special One-Day Licenses (5) “No Representation Required”**
*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract. **NO CHANGES, AS PREVIOUSLY APPROVED***

33. APPLICATION, (No Representation Required)

Day of Portugal Committee, Veronica Medeiros, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.** (Security Plans Previously Approved On 04/22/14)

NOTE: Feast Committee will have two booths within the feast grounds.

34. APPLICATION, (No Representation Required)

European Café, Inc. d/b/a Café Europa, Pedro Ferreira, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.**

35. APPLICATION, (No Representation Required)

Giraldo’s Restaurant, Inc. d/b/a Adriana’s Mexican Restaurant, Martha Gonzalez, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015**

from 12:00 p.m. until 10:00 p.m.

36. APPLICATION, (No Representation Required)

Calderon & Calderon, Inc. d/b/a Café Portugal, Roberto Calderon, Treasurer, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.**

37. APPLICATION, (No Representation Required)

El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant, Grisay Rojas, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.**

- **Friday Nights on the Summer Concert Series - Special One-Day Licenses (6) “No Representation Required”**
*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract; Concert series will begin on Friday on July 10th and end August 14th with rain dates of August 21st & August 28th. **NO CHANGES, AS PREVIOUSLY APPROVED***

38. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 10, 2015, from 6:00 p.m. until 8:00 p.m.**

39. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 17, 2015, from 6:00 p.m. until 8:00 p.m.**

40. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 24, 2015, from 6:00 p.m. until 8:00 p.m.**

41. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 31, 2015, from 6:00 p.m. until 8:00 p.m.**

42. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 7, 2015, from 6:00 p.m. until 8:00 p.m.**

43. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 14, 2015, from 6:00 p.m. until 8:00 p.m.**

- **Cape Verdean Day Parade - Special One-Day Licenses (4) “No Representation Required”**
*Final approval will require Liquor Liability with the City named as additionally insured and/or a copy of their Police Detail Contract. **NO CHANGES, AS PREVIOUSLY APPROVED***

44. APPLICATION, (No Representation Required) – LATE FILE

The Bisca Tournament Club, Ayres Gonzales, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fundraiser/Cape Verdean Day Parade’, to be held in the **Club - Parking Lot**, located at **161 Acushnet Avenue**; and to be held on **Sunday, July 5, 2015, from 11:00 a.m. until 8:00 p.m.**

(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)

45. APPLICATION, (No Representation Required) – LATE FILE

The New Cape Verdean Ultramarine Band Club, Inc., Ramona C. Silva, Club Officer, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fundraiser/Cape Verdean Day Parade’, to be held in the **Club - Parking Lot**, located at **185 Acushnet Avenue**; and to be held on **Sunday, July 5, 2015, from 11:00 a.m. until 11:45 p.m.**

46. APPLICATION, (No Representation Required) – LATE FILE

Verdean Veteran’s Memorial Foundation, Kim Watkins, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fundraiser/Cape Verdean Day Parade’, to be held in the **Club - Parking Lot**, located at **561 Purchase Street**; and to be held on **Sunday, July 5, 2015, from 10:00 a.m. until 6:00 p.m.**

(Final approval will require a copy of the Police Detail Contract)

47. Hearing: Joe’s Auto Mall, Inc.

Mr. Jose Adao, President
547 Belleville Avenue

Your presence is requested at a hearing in accordance with Massachusetts General Laws Chapter 140, section 59 in that all licenses granted under this section shall be revoked by the licensing board or officer if it appears, after the hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder. Based on the evidence presented, the Board may take action to revoke your 2015 MV Class II license.

This hearing is being held because of your continued practice of storing and displaying vehicles for sale in an area for which you have not been approved as well as your failure to apply for a MV Class II Annex license for the area in question. This matter was discussed with your legal counsel at the Board’s meeting of November 17, 2014, and you continue to defy the Board’s request for compliance.

This office has been notified by the Planning Board Office that your plan was approved by Site Plan Review on December 10, 2014.

Decision of 11/17/14 Hearing

At the Board’s hearing of November 17, 2014, your attorney presented documentation that indicated that an application has been submitted to the Planning Board Office for a ‘Site Plan Review’ hearing on December 10, 2014, with regard to parcel 105—167, which is located on Belleville Avenue.

Upon discussing the matter with Atty. Williams, and also taking into consideration that you had taken the first step in getting properly licensed (annex) to store and display cars for sale across the street from your current location, **the Board voted unanimously to approve the renewal of your 2015 MV Class II license with the following stipulation:**

That You have ninety (90) days from the receipt of this notice to complete the ‘Site Plan Review’ process; and once approved, submit an application to this office for a MV Class II Annex license.

Please be advised once again, that cars **are not to be stored or displayed for sale** at the proposed location, until such a time as you’ve been approved for the required annex license. You are requested to submit your application immediately upon approval from the Planning Board.

Present: Atty. Jay Williams representing Joe’s Auto Mall, Inc.

Mr. Nanopoulos informed the Board that an application has been submitted, therefore, no further action was required.

ACTION TAKEN: None Required.

48. APPLICATION - Plot # 105—167 – LATE FILE

Jose S. Adao, who resides at **9 Mary Ann Way, Dartmouth, MA.**, who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) Annex license for Joe’s Auto Mall, Inc.** with premises situated at **548 Belleville Avenue (NE Hathaway Street)**. The area, which will be used for the storage of additional cars for sale, was approved the site was approved for the display of EIGHTY (80) cars by ‘Site Plan Review’.

(Notes (2): The applicant’s primary location is located across the street at **547 Belleville Avenue**. Final approval of the Motor Vehicle Class II License will require final approval from **Site Plan Review**, and a **Notarized Letter** stating where the repairs will be done.

VOTED: On a motion by Commissioner Craig, the Board voted unanimously to **approve the application for the display of Eighty (80) Cars; pending final approval from site plan review.**

49. Hearing: Carreiro’s Pub 126 Bar & Grill, Inc.

Mr. Carlos Carreiro, Owner/Manager
126 Dartmouth Street

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

This hearing will focus on the control and operation of the licensed premises, and the facts surrounding an incident that resulted in a patron being assaulted by another patron (s); as well as on the confirmed action of ownership in allowing a female patron to step behind the bar to pour herself a drink, as well as one for two other patrons, after the bartender left the bar unattended when she went outside to have a cigarette.

The Licensing Board is exceptionally troubled that the incident occurred after the bartender quit and walked out, as a result of being told by the owner, “If you don’t like it you can leave”; after she told him that he was not supposed to have people serving alcohol that weren’t permitted to do so.

Alcoholic Beverages Control Commission Regulation 204CMR2.05:(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. 12-

Premises must at all times be kept safe.

Date and time of alleged violations: Sunday, April 5, 2015 @ approx. 2:08 a.m. – Police Report # 15 – 3772 - OF Present: Carlos Carreiro, Manager/Owner; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Jason Vieira, Reporting Officer

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Craig, voted 2-0 (Chairman Beauregard not present) to suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of four (4) days with **two (2) days (06/16/15 & 06/17/15) to be served** with two (2) days held in abeyance for one (1) year as long as there are no other violations of M.G.L., ABCC Regulations, or New Bedford Licensing Board Rules & Regulations. The Board also voted to place the licensee on probation for a year commencing on May 18, 2015.

The following written decision was issued to the licensee on 06/01/15:

The decision of the Board was based on testimony contained in the Police Report which stated, that an incident occurred that resulted in a patron being assaulted by another patron (s); as well as on the confirmed action of ownership in allowing a female patron to step behind the bar to pour herself a drink; and as reported, for two other patrons, after the bartender left the bar unattended when she went outside to have a cigarette. As a result, the licensee failed to maintain control of the premises.

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.

50. Hearing: Tony’s Café & Bar, Inc.

Mr. Antonio M. Raposo, Owner/Manager
118 County Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules and Regulations as reported by the City of New Bedford Police Department. Based on their

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

This hearing will focus on the control and operations of the licensed premises, and the facts surrounding an incident that occurred both inside and outside of your establishment on Saturday, April 18, 2015, which resulted in a fight during which an intoxicated patron was assaulted with a knife within your licensed premises by another patron; the fight then continued outside after another patron who was also assaulted inside the bar was kicked out of the bar and was assaulted once again by a second patron, as he attempted to make his way home.

The Licensing Board is troubled that according to the testimony included in the Police Report, one of the victims was kicked out of the bar and was again assaulted outside. This is in contravention to your legal duties. By failing to maintain the licensed premises in a safe manner and by failing to maintain complete control of the licensed premises, you made a conscious decision to place your license at risk.

The potential violations are as follows:

M.G.L. Chapter 138, sections 69-

No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premise.

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 Regulations No. 10, 11, 12-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises, it's the responsibility of the licensee to enforce this rule; Premises must at all times be kept safe.

Date and time of alleged violations: Saturday, April 18, 2015 @ approximately 1:46 a.m. - Police Report #15-4381-OF Present: Atty. Phillip Beauregard along with Antonio M. Raposo, Owner/Manager, and Simone Adams, Bartender; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Daniel Victoria, Reporting Officer

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Craig, voted 2-0 (Chairman Beauregard not present) to receive the report and place them in file with no further action at this time. The Board's decision was based on fact that the investigating officer did not find any blood that would indicate that there was any type of slashing or stabbing that took place inside the establishment; and also taking into consideration that the assailant and the victim knew one another; and that whatever happened that night, it seemed that the most serious of the events took place outside, and not inside the establishment.

The following written decision was issued to the licensee on 05/21/15:

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

M.G.L. Chapter 138, sections 69-

No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premise.

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 Regulations No. 10, 11, 12-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises, it's the responsibility of the licensee to enforce this rule; Premises must at all times be kept safe.

As this Board reminded you at the meeting, it is a violation to permit any illegality on or about your premises and if your staff feels that they or any of your patrons may be in any danger, they should contact the police immediately.

51. Hearing: Tony's Café & Bar, Inc.

Mr. Antonio M. Raposo, Owner/Manager
118 County Street

Your presence is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of an incident reported by the New Bedford Police Department; as well as concerns regarding the day to day

management of the premises with regard to public safety.. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

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

ACTION TAKEN: None

52. Hearing: Route Six Properties, Inc. d/b/a Temptation
Mr. Steven M. Camara, Owner/Manager
161 Pope's Island

Your presence and that of **Paul Vasconcelos** and **Steven Barreira** is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules and Regulations as reported by the City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

This hearing will focus on the control and operations of the licensed premises, and the facts surrounding three separate incidents that occurred on Saturday, April 11, 2015, Monday, April 13, 2015, and Sunday, April 19, 2015, respectively; and the management that was in place on each of those occasions.

The Licensing Board is concerned that these incidents occurred less than six months after a previous hearing of a reported incident in which a patron was assaulted. This is in contravention to your legal duties. By failing to maintain the licensed premises in a safe manner and by failing to maintain complete control of the licensed premises, you made a conscious decision to place your license at risk.

The Licensing Board is exceptionally troubled that there was a lack of approved management on site at the time of each of these incidents.

The potential violations are as follows:

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

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

Licensing Board Regulations No.1, 6, 10, 11, & 12,-

Licenses may not be transferred or surrendered without permission of the Board; each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises; Premises must at all times be kept safe.

Summary of Incident #1

Police Department Incident Report states that officers were dispatched to 161 Pope's Island in regards to a disturbance. Upon arrival, the officers were met by a highly intoxicated female in distress, who stated that her car was just stolen. The female stated that she came out of Temptation and while doing so, she observed a white male exposing himself by urinating in the lot; and that's when she got out of her car to tell him to stop whatever he was doing, the male started to argue with her. As a result, her husband also got out of the car and got involved in the argument, during which the female's car was stolen.

Note: The female stated that Temptations management and security did call the police right away, and that it took management approximately 20 minutes to make a call because they did not want to get the police involved.

Date and time of alleged violations: Saturday, April 11, 2015 @ approx. 2:18 a.m...

Police Report # 15-4014-OF

Summary of Incident #2

Police Department Incident Report states that officers were dispatched to 161 Pope's Island in regards to a fight in progress. Upon arrival, the officers observed two males shouting and waving their hands, and noticed that their clothing was stained with fresh blood; their faces also bore signs of physical assault. When speaking with both males, it was clearly visible that they were highly intoxicated, and were unable to follow simple instructions, as well as being unable to

clearly articulate their thoughts. When asked, both males stated that they got jumped but were unable to provide any details as to who assaulted them or how it happened. The two victims were cleared to leave with friends who were going to give them a ride home after refusing treatment, at which time one of the victims became extremely agitated, and started to yell expletives, waving his arms in the air, and kicking an object on the ground and stomping on it; which led to him being PCd for his own safety.

As a result of additional investigation, and questioning of Temptation's security personnel, it was revealed that both assault victims were patrons of the establishment, and at some point, they became abusive and disorderly in general, and were asked to leave the premises, at which time they became combative and were physically removed from the establishment out to the parking lot where they continued their aggressive behavior.

Note: When the Police asked to see the surveillance cameras, the manager of the establishment (Mr. Vasconcelos) stated that the cameras have been malfunctioning for some time and they had been disabled a few weeks ago

Date and time of alleged violations: Monday, April 13, 2015 @ approx. 1:02 a.m. - Police Report # 15-1055-AR

Summary of Incident #3

Police Department Incident Report states that while on patrol in the Temptations parking lot, officers observed a male urinating on the ground in a public area, where customers from this establishment could see him in plain view.

Upon being questioned by the officer, the male became loud and uncooperative, and was placed under arrest when the male refused to follow orders making the incident more dangerous than it needed to be. The male stated that he was there to see or meet his cousin, but when the officer questioned the staff, they stated he never made it into the club but was parked there for a while.

Date and time of alleged violations: Sunday, April 19, 2015 @ approx. 1:45 a.m.

Police Report # 15-1133-AR

Present: Atty. Thomas Matthews along with Steven M. Camara, Current Manager/Owner, Paul Vasconcelos, Proposed New Manager and Steven Barreira, Doorman; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Jean Lopez (Incident # 1) and Officer Jakub Cwiek (Incident # 2), Reporting Officers

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Craig, voted 2-0 (Chairman Beauregard not present) to receive the reports and place them on file with no further action at this time. The Board's decision was based on the information provided by the two new members of the management team, who, in the Board's opinion, have been making a lot of corrective measures in running the business in the way it should be run. Commissioner Craig reminded the new management team that they had to make sure that they were not serving to intoxication, as well as not serving anyone who is or appears to be intoxicated, which was a common thread in two of the three police reports that were reviewed this evening.

The following written decision was issued to the licensee on 06/01/15:

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

M.G.L. Chapter 138, sections 12, 12A, 15A, & 69-

An application must be filed to obtain approval from the local licensing authority and the ABCC for a transfer of license and/or change of stockholders; No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premise.

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

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

Licensing Board Regulations No.1, 6, 10, 11, & 12,-

Licenses may not be transferred or surrendered without permission of the Board; each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises; Premises must at all times be kept safe.

As this Board reminded you at the meeting, it is a violation to permit any illegality on or about your premises, and if your staff feels that they or any of your patrons may be in any danger, they should contact the police immediately.

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

Mr. Steven M. Camara, Owner/Manager

161 Pope's Island

Your presence and that of **Paul Vasconcelos** and **Steven Barreira** is requested at a 'Public Hearing' to determine whether

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

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

ACTION TAKEN: None

54. PETITION - Trans. # 116 - Plot # 60--26

Route Six Properties, Inc. d/b/a Temptation, 161 Pope’s Island, is requesting the approval of Paul Vasconcelos, who resides at 485 Whetstone Hill Road, Somerset, MA. as their new manager.

Present: Atty. Thomas Matthews along with Steven M. Camara, Current Manager/Owner, Paul Vasconcelos, Proposed New Manager

Responding to questions from Commissioner Almeida, Mr. Vasconcelos re-iterated as to what he stated in the earlier hearing, in which he informed the Board that he has 25 years experience in the business and that he would be on the premises about 60 to 70 hours a week. He also re-iterated that the security cameras have been updated and are now working, as of 05/3/15; and that he has set up a designated smoking area outside, and that his intention is to purchase a walk-thru style scanner, to replace the wand they’re currently using; he also stated that he’s not afraid to call the police for assistance if he needs to, and that his entire staff would be T.I.P.S. Certified.

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

Unanimous

• **CORRESPONDENCE**

From: Municipal Licensing Corporation

Dated 04/28/15

Re: Meeting of Municipal Licensing Group

Brockton, MA.

An invitation to attend a meeting with other representatives of city and town licensing departments, boards, and commissions, who want to share information and learn from each other’s experiences for the application, processing, and investigation of alcohol licenses, as well as other licenses, for our cities and towns. -RSVP by 05/26/15

Date & Time: Tuesday, June 9, 2015, 11:45 a.m. to 3:00 p.m. @ Lombardo’s 6 Billings Street, Randolph, Ma.

ACTION TAKEN: Received & Placed on File.

• **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
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---NONE--

• **Upcoming Outdoor Summer Events & Festivals (Informational Only)**

1. 9th Annual Taste of the South Coast (Pier 3) – May 17th - “Applied/“No Changes”
2. Cinco De Mayo Celebration (Rivet St.) – May 2nd - “Applied/“No Changes”
3. Summer Concert Series (Pier 3) – July thru Sept. - “Applied/“No Changes”
4. Day of Portugal (Acushnet Avenue) – June 12th, 13^h, & 14th - “Applied/“No Changes”
5. 21st Annual United Way Clambake (Pier 3) – June 12th - “Applied/“No Changes”

6. Cape Verdean Day Parade (Club Property) – July 5th - “**Applied/“No Changes”**”
7. Opening of the Bay (Fort Taber) – May 30th – “**Applied/“No Changes”**”
8. New Bedford Summerfest – July 4th, 5th, & 6th - “**Applied/“No Changes”**”
9. Irmandade Do Divino Espirito Santo Do Pico (Club Grounds) – July 10th, 11th, 12th, & 13th - “**Applied/“No Changes”**”
10. Sun of a Beach Festival (Ft. Taber) – July 18th – “**Applied/“No Changes”**”
11. Feast of the Blessed Sacrament (Madeira Field) – July 31st, Aug. 1st, 2nd & 3rd
(June Meeting)

- **NEXT TWO MEETING DATES: Monday, June 22nd & Monday, July 27th both in Room 314 - Approved**
- **MEETING ADJOURNED: 9:00 p.m.**