



Licensing Board

July 27, 2015 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-MINUTES

Monday, July 27, 2015
Room 314 – 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

MOTION TO ACCEPT THE MEETING MINUTES OF MAY 18, 2015 - Unanimous

MOTION TO ACCEPT THE MEETING MINUTES OF JUNE 22, 2015 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Altering of Premises (Addition of Sidewalk Café Area & Elimination of 44 Union St. Area) - 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**.

Approved By ABCC – 06/17/15

Change of Officers & Directors - Trans. # 147 – Plot # 106--141

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**.

Approved By ABCC – 06/17/15

Altering of Premises (Sidewalk Café Seating) - 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**.

Approved By ABCC – 06/22/15

Change of Officers & Directors - Trans. # 034 – Plot # 127-D-200

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 St.**

Approved By ABCC – 06/24/15

Change of Officers & Directors - Trans. # 027 – Plot # 100--8

New Bedford Sports Club, Inc., Edmundo Amaral, (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, Edmundo Amaral will be the President and a Co-Director, Adolfo Sousa will be the Vice-President and a Co-Director, Jose Pimentel will be the Treasurer and a Co-Director, and Carlos Souza will be the Secretary and a Co-Director; and Luis Vieira, Antonio Vieira, Joao Simas, John Carlos Sousa, and Timothy Amaral will all be Co-Directors. Premises will remain the same at **1792 Acushnet Avenue**.

Approved By ABCC – 06/30/15

Change of Officers & Directors - Trans. # 054 – Plot # 93--92

Club Recordacoes de Portugal, Inc., Ezelino Quadros, (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, Ezelino Quadros will be the President & a Co-Director, Joaquin Almeida will be the Vice-President and a Co-Director, Cidalia DaSilva will be the Treasurer & a Co-Director, and Doris Ganilho will be the Secretary & a Co-Director; and Luis Vieira, Antonio Vieira, Joao Simas, John Carlos Sousa, & Timothy Amaral will all be Co-Directors. Premises will remain the same at **249-253 Coggeshall St.**

Approved By ABCC – 07/10/15

Change of Officers & Directors - Trans. # 210 – Plot # 99--5

Our Lady of Angels Band, Inc., Antonio F.D. Cabral, (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, Antonio F.D. Cabral will be the President, Mario J. Duarte will be the Treasurer and Secretary; Brandon Duarte, John Medeiros, and Antonio Vieira will all be Co-Directors. Premises will remain the same at **1446-1452 Acushnet Avenue**.

Approved By ABCC – 07/10/15

Change of Officers & Directors - Trans. # 093 – Plot # 25--88

Panthers Athletic and Social Club, Inc., Joseph Oliveira, (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, Joseph Oliveira will be the President and a Co-Director, Gary Wunschel will be the Vice-President and a Co-Director, Louis Leblanc will be the Treasurer and a Co-Director, and Curtis Souza will be the Secretary and a Co-Director; and Ken Rea, Rick Morin, and Russell Baker will all be Co-Directors. Premises will remain the same at **43-45 Madeira Avenue.**

Approved By ABCC – 07/10/15

Change of Officers & Directors - Trans. # 072 – Plot # 14--198

The Washington Social & Musical Club, Inc., Scott Boutin, (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, Scott Boutin will be the President, Stephanie McKnight will be the Vice-President, Stephanie Mitchell will be the Treasurer, and Joyce Abbott will be the Secretary, and Aaron Agrella, Kenneth Kendall, Dennis Frezza, Mark Blanchard, Kevin Blanchard, Blaine Hopwood, William O'Brien, Jr., and Brian Lowe will all be Co-Directors. Premises will remain the same at **90 David Street.**

Approved By ABCC – 07/10/15

Change of Officers & Directors - Trans. # 108 – Plot # 24--206

The Monte Pio Luso Americano Corp., Helder F. 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, Helder F. Almeida will be the President and a Co-Director, Luis P. Vicente will be the Vice-President, Lucia C. Almeida will be the Treasurer, Fatima S. Cabral will be the Secretary, and Antonio G. Tavares will be the Vice Secretary; and Mario Bicho, Rui Furtado, Eugenio Tavares will all be Co-Directors. Premises will remain the same at **540 Orchard Street.**

Approved By ABCC – 07/14/15

Change of Officers, Directors, & Manager - Trans. # 095 – Plot # 106--137)

Clube Ponta Delgada, Inc., Jose Pacheco, (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, Jose Pacheco will be the President, Carlos Santos will be the Vice-President, Goncalo Santos will be the Treasurer, Christina Machado will be the Secretary, and Jose DaCosta will be the Asst. Secretary; and Luis Vieira, Jose DeSousa, Kristin Ferreira, Robert Lopes, Clement Costa, Diogenes Amaral, and Jose Barbosa will all be Co-Directors.

The 'club' is also requesting the approval of **Christina Machado,** who resides at 27 Mason Road, East Freetown, MA., **as their New Manager.** Premises will remain the same at **61-65 Madeira Avenue.**

Approved By ABCC – 07/16/15

Change of Officers, Directors, & Manager - 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.**

Approved By ABCC – 07/20/15

Change of Officers & Directors - Trans. # 132 – Plot # 18-108-A

Loyal Order of Moose, Inc. d/b/a New Bedford Lodge, #1914, Robert Bessette, (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 Robert Bessette will be the President, Kevin Avila will be the Vice-President, Daniel P. Desmarais, Sr. will be the Treasurer, and Danny Johnson will be the Secretary; and Manuel Machado, Derrick Cabral, and Murray Gonzalez will all be Co-Directors. Premises will remain the same at **119 Rockdale Avenue.**

Approved By ABCC – 07/21/15

VOTED: To accept all the approval from the ABCC and place them on file. – **Unanimous**

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

PETITION - Trans. # 116 - Plot # 60—26 – STILL NOT RESOLVED

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.

Disapproved by the ABCC – 05/27/15 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

“Returned No Action” by the ABCC – 07/06/15 – Question #3 on the Personal Information form does not match information that we received on CORI – 1st Attempt

Application to be sent back to the ABCC “For Reconsideration”, only upon notification from the Applicant or the DUA, that all outstanding issues have been resolve; and a new Personal Information Form and supporting documents are submitted.

Mr. Nanopoulos informed the Board that he contacted both Mr. Camara and Atty. Matthews with respect to both outstanding issues; and that issues have not been resolved as of yet nor has there been any response.

ACTION TAKEN: Bring in for a hearing on 08/24/15.

1. Request

A written request from Noppawan Sawang and Phillip Winslow, to be heard on the feasibility of being issued a ‘new’ **Retail Package Store Wine & Malt license**, for a Gourmet Market selling handpicked local and international fine foods, craft beers, and wines with no seating. The new proposed location is a 1,400 sq. ft. space located at **89 North Water Street**.

Present: Noppawan Sawang and Phillip Winslow, Proposed Applicants

Ms. Sawang opened the meeting by submitting a written proposal to the Board, which was received and placed on file.

Responding to questions from Chairman Beauregard, Ms. Sawang stated that their plan was to open an upscale gourmet market featuring international and local products, which will include a delicatessen, international groceries, and gift area; as well as offering craft beers and wines, and gourmet food products.

Ms. Sawang stated her business plan that was submitted to the Board, that it was her intention to offer downtown residents and visitors a local gourmet food store that will also offer craft beers and wines that are hard to find in a regular package store.

Responding to further questions from Chairman Beauregard, Ms. Sawang stated the proposed location would be in an area behind DNB Burgers, in an area approximately 1,400 sq. ft., which would include an area for storage and a kitchen for the preparation of food that they plan on offering; and that their intention was not to have any seating initially but it may be something they may add later.

Chairman Beauregard advised Ms. Sawang, that if the Board were to approve her request for a new retail package store wine & malt license, that any alcohol sold under this license could not be consumed on the premises.

Ms. Sawang stated her request for initial approval was required in order for her to proceed in negotiating a lease.

Responding to further questions from Chairman Beauregard, Ms. Sawang stated that she currently operates the Spicy Lime Thai Cuisine, which is located on Pleasant Street and operates with On Premise CV Wine & Malt license.

Mr. Nanopoulos informed Ms. Sawang, that as a holder of an on premise license within the City of Bedford, that law prohibits her from holding an off premise license within the same city; but the law allows the license to be put in her name or her husband’s name as long as the other name is not associated in any way with the on premise license.

Chairman Beauregard explained to Ms. Sawang that the Board would not be able to vote tonight on the request for a new license without an application pending before them; but added, based on what you presented to us tonight, as long as you resolved the issues that Mr. Nanopoulos raised, I don’t think you’ll have a problem when you decide to move forward, and submit a formal application to this Board.

ACTION TAKEN: --NONE--

2. PETITION - Trans. # 016 – Plot # 93--11

European Café, Inc. d/b/a Café Europa, Peter Ferreira, President, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor seating area approximately 320 sq. ft. (32’ X 10’), which will be used as a ‘Sidewalk Café’ to be used for **seated dining purposes only**. The enclosed area, which will be enclosed with a removable lattice-look fence with post and base, approximately 38.5” high, will include Eight (8) tables for the seating of Thirty-Two (32) patrons and umbrellas for shading; and will be located on the west side of the building, which is contiguous to the licensed premises.

The 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 hours of operation will be **daily (Monday thru Saturday) from 10:00 a.m. until 10:00 p.m. and from 12:00 p.m. until 8:00 p.m. on Sundays, 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 premise is situated on the southeast corner of Holly Street and Acushnet Avenue and will remain numbered **1248 & 1256 Acushnet Avenue**.

Application has been advertised; Abutters have been notified

Present: Peter Ferreira, President

Responding to questions from Chairman Beauregard, Mr. Ferreira stated that the area would be enclosed with lattice fencing, which would remain in place for the season; and there would only be one entrance/exit leading into the outdoor café area, and there would be someone monitoring the area at all times.

Chairman Beauregard recommended that all beer be served in plastic cups, which would eliminate having beer bottles outside.

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**

3. PETITION - Trans. # 104 – Plot # 12--77

Calypso Hospitality, LLC d/b/a Seafire Grillhouse & Bar, Margaret Kulpinski, Manager of LLC, formerly exercised on premises located at **72 North Water Street**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **VVK Realty, LLC**. Upon approval, **Gregory Kulpinski** will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC; as well as the **Manager of the Liquor License**. Upon completion of the renovations, the 'formally' licensed premises will consist of an area approximately 6,100 sq. ft. on the first floor of a two-level building (2nd Floor Not Included), which will include a dining room with seating for 106 patrons, a lounge area with a bar and seating for 86 patrons, sushi/raw bar area, kitchen area with walk-in freezer, office, a multiple storage room area with a walk-in cooler, and two (2) handicap accessible restrooms. The licensed premise will also include a raised outside deck with an outside bar, approximately 3,000 sq. ft. which will be contiguous to the rear of the building; the deck will be accessible from both the restaurant and the rear parking lot, and will include a handicap public access ramp of the south side of the deck. The premises will have one entrance/exit in the front of the building, two (2) emergency exits in the rear of the building, and delivery entrances directly into both the kitchen and storage areas. The licensed premise is situated on the east side of E. Rodney French Boulevard between Norman and Frederick Streets, and will be **numbered 1494-F East Rodney French Boulevard**.

(Final Licensing Board Approval Required Upon Completion of Renovations)

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. Emile Morad along with Gregory Kulpinski, Owner/Proposed Manager; Nancy Fountaine, and Michael Graffeo, Neighbors who appeared neither in favor nor against the application, but had questions for the applicant and concerns.

Responding to questions from Chairman Beauregard, Atty. Morad stated on behalf of his client that they have been working with FEMA and the Building Department to try to save the building (Smuggler's Den location), so currently, we're only looking to license the first floor, the second floor won't be finished for a couple of years because they can only do so much every year.

Atty. Morad continued by stating, so mainly there would a dining room of the first floor ... a lounge ... pretty much what was existing there ... the bathrooms are being consolidated and expanded into handicap accessible ... the deck is all original ... and we're just going to rebuild what needs to be rebuilt ... and hopefully it's going to seat approximately about 200 people ... it already has a Fire Suppression System ... clearly in essence of saving the building.

When asked by Chairman Beauregard to describe what his client's intentions were as to what type of operation they planned on having at this location, Atty. Morad stated that his client would be doing mostly dining ... and of course the deck in the summertime ... pretty much similar to what was down at Seafire ... about the same thing

When asked by Chairman Beauregard if it was going to be the same menu, Atty. Morad responded, yes.

Mr. Kulpinski also responded, kind of ... it's going to have more fried food ... and sushi ... especially outside in the

summertime ... but mostly it's going to be a seafood restaurant.

When asked by Chairman Beauregard as to what the hours of operation would be, Mr. Kulpinski stated that the hours of operation would be from 11:30 a.m. until 10:00 p.m. for dining; and the bar would be open until about 11:30 p.m. or 12:00 a.m.

When asked by Chairman Beauregard about the outdoor bar during the summer season, Mr. Kulpinski stated that it would be open until about 11:00 p.m.

When asked by Chairman Beauregard about entertainment, Mr. Kulpinski responded, entertainment will be basically inside ... inside during the winter ... on weekends basically ... it's not going to be a place for entertainment ... it's going to on Friday and Saturday ... we'll see what the response of the community is ... and on the second floor ... we're going to try do weddings ... but that depends ... live entertainment for the weddings.

When asked by Chairman Beauregard as to the plans for entertainment on the outside deck, Mr. Kulpinski responded, I would like to have some light entertainment in the summertime ... nothing big ... maybe a one party band playing guitar ... playing some soft music ... no rock and roll ... nothing like that ... just some summer type music ... like reggae.

When asked by Chairman Beauregard as to what would the hours be that they're looking for outside with regard to entertainment, Mr. Kulpinski responded, I would say ... no later than 8 or 9 o'clock.

When asked by Commissioner Craig if the entertainment would be amplified or acoustic outside, Mr. Kulpinski responded, acoustic basically ... some amplification ... but nothing big ... I'm not going to put five speakers out there ... maybe an additional speaker for the person playing their guitar ... just one speaker amplified ... nothing like a nightclub.

Commissioner Craig responded by asking, if this were to be approved, would you keep in mind to have it at a level as to not to disturb the neighbors ... and with regard to the amplification ... can you have so it's not directed across the street towards the neighbors; Mr. Kulpinski responded to Commissioner Craig's request by stating, we're going to have to some acoustics (buffers) on the stage ... so the sound doesn't vibrate out to the neighbors ... and the stage is going to be set up so the sound will go out towards the water.

When asked by Chairman Beauregard as to what their plans are for the Tiki Bar that's currently out there, Atty. Morad responded, the Tiki Bar sits on a separate piece of land that is leased to their neighbors.

In response, Chairman Beauregard asked, I understand that but it's still in close proximity to what is being proposed here tonight, so how are you going to separate the two, so you don't have people walking from this establishment to the Tiki Bar and vice versa; to which Atty. Morad responded, right now, the Tiki Bar has that rope around it.

When asked by Chairman Beauregard, You have a capacity of 200, where are you anticipating everybody is going to park?

Mr. Kulpinski responded, it's going to be in the front of the building which has about 50 spots; to which Chairman Beauregard responded, but that's where most of your staff of the 'Edge' is parking there now.

Mr. Kulpinski responded, not really, the customers are parking there in the summertime, we only have a staff of 8 ... 9 ... or 10 people ... and most of them park on the street.

Mr. Kulpinski continued his comments by stating that the problem is with DEP ... we're still working with them to create some parking in the front of the building on the east side ... we're trying to give the DEP public access right around both buildings ... which would allow us to create a parking lot ... once the walk-way issue is resolved.

When asked by Chairman Beauregard to clarify the area where the additional parking lot would be created, Mr. Kulpinski stated that it was on the east side, which is now that grassy area behind the deck.

Chairman Beauregard responded, if you were to do that, how many spaces would you be looking at? To which Mr. Kulpinski responded, it would be as big as the 'Edge' parking lot.

Mr. Kulpinski once again raised the issue of the Tiki Bar relative to the parking issue, to which Chairman Beauregard responded, ***you better make sure that the two are distinct and separate from each other.***

In discussing the matter further, Chairman Beauregard stated his concern although it may not be an issue now, since there is no enticement for them to leave the Tiki area now, but once you have entertainment on the deck, there will be an attraction for them to leave the Tiki area and move onto the deck; and we can't have people leaving or entering either area with drinks; again, they have to be separate and distinct.

Atty. Morad responded, at that point in time ... we may have put something that is more stringent up ... if so, we'll come back before you for the seasonal license, and we'll do what we have to do ... right now, we have to wait to see what DEP says ... what FEMA says ... before we even get to that point.

Chairman Beauregard once again returned to the parking issue by asking, if this parking lot was to go through ... how many parking spaces do you think you're going to have ... front and back ... not east side ... not west side ... front and back?

Mr. Kulpinski responded, I would say ... probably parking for 100 cars ... but we'll have to see what the number will be.

With no further questions from the Board, Chairman Beauregard then asked if there was anyone present who wished to

speak or be recorded in favor of the petition. (There was no one present in favor of the petition.)

Upon seeing and hearing none, Chairman Beauregard then asked if there was anyone present who wanted to speak or be recorded in opposition of the petition, to which there were several neighbors present who wished to be heard on the matter.

First to be recognized was Mr. Michael Graffeo who resides at 10 Norman Street, which is located right across the street from the new establishment being proposed in the petition.

Mr. Graffeo stated ... I have concerns about parking and noise ... low and behold ... both of which I experienced this past Sunday ... I could not have company on my deck ... because of this noise ... and neither could I sleep.

Chairman Beauregard interjected by asking, Are you talking about the 'Edge' (Tiki Bar)?

Mr. Graffeo stated ... I am and I realized that the hearing is on the other property ... but they're together now ... but the point I'm trying to get to is this ... the parking itself ... just last Sunday... every single parking space was taken ... in the front ... all along Norman Street ... illegally parked cars ... but the noise itself ... I have two hearing aids ... usually the noise doesn't bother me ... it really doesn't ... I couldn't even talk to a friend that came over to the deck... it was someone I hadn't seen in 5 or 6 years ... I couldn't talk to them.

Atty. Morad interjected, again, we're talking about another establishment ... he's talking about the 'Edge' ... we're here on 1494 ... not the 'Edge'; to which Chairman Beauregard responded, I think his point is there were noise and parking issues.

Atty. Morad responded, I don't know what went on there because I wasn't there but we're not here on that.

Mr. Kulpinski also responded by stating, it was a special event ... and it only happened one time this summer ... it was so crowded ... and once something happened ... we decided not to have those events anymore; to which Chairman Beauregard responded, it was a type of entertainment you weren't supposed to have ... is that fair to say.

Atty. Morad responded, with all due respect ... he's not the manager or the owner of the liquor license; to which Chairman Beauregard responded, I'm not going to split hairs with you ... I think it's fair to bring up ... if you want ... this is what we can do ... we can table any action on this application ... and we can have your client come in next month and have a hearing on the 'Edge' ... and we'll resolve that matter first ... then we'll bring this matter back in September or October... is that what you want to do?

Atty. Morad responded, that's not what I want to do, I just want an opportunity to talk to my client.

Chairman Beauregard responded, look ... without holding a hearing on it ... we're just having a discussion here ... he (Mr. Graffeo) just wants to make sure as a neighbor ... that what was assured to us ... what just took place (last Sunday) ... doesn't take place at the new establishment ... I think that's all he's suggesting ... so we had assurances that there would be light entertainment or music ... nothing was going to change ... and last Sunday ... there were 100+ outside in the Tiki Bar ... and there was music being played (*by a DJ, which is considered live entertainment, for which they are not licensed for*) ... and he's saying ... here you are sitting here telling me something ... and two months after the Tiki Bar opens ... you've already got issues.

Atty. Morad responded, I can comment on it ... I don't know if there was 100+ there or not; to which Chairman Beauregard responded, I'm not asking you to ... I'm just telling you what was reported by the neighbors ... even your client mentioned that there was an event that took place that evening ... if you want time to consult with your client ... I'll be happy to table this ... and we'll see you in October ... I'm just trying to get it on the table that ... what you're suggesting here ... is not going to be a problem ... he's saying ... it was a onetime event with swimsuits ... with a DJ ... and I'll take his word on it ... but if you want to split hairs here ... we can table it.

Atty. Morad stated that he wasn't trying to split hairs and that he didn't want the matter tabled.

Mr. Kulpinski interjected, there were no swimsuit contests ... there were no girls naked ... no wet t-shirt contests ... nothing like that ... there were just people over there ... drinking and listening to music for a few hours ... and at 9:50 ... the music stopped ... at 11 o'clock ... everything was gone ... there was no disturbance.

When asked by Commissioner Craig as to how many people he had at this 'onetime' event, Mr. Kulpinski stated, less than 80 people ... it seemed like it was crowded ... because everybody was standing ... nobody was sitting ... some people may suggest that there were 200 people ... but there wasn't 200 people ... usually we have like a police presence there ... this time it was overwhelming ... there was a person counting the people ... after that we stopped ... actually allowing more to come in ... there was no disturbance ... there was some loud music ... I'll admit that ... I tried to adjust the loud speakers with gentlemen ... he pointed the speakers in the wrong direction ... instead of pointing them towards the sea ... he pointed them towards the street ... that's why it sounded like loud music ... if you stood behind the speakers ... there was no music at all ... so they made that mistake.

Commissioner Craig responded to Mr. Kulpinski's comments by asking, correct me if I'm wrong, but I thought there wasn't supposed to be any entertainment at all; to which Chairman Beauregard responded, there was not, that's why he's saying that it was a onetime mistake and he was not going to do it again.

Mr. Kulpinski responded, we do have a music ... entertainment license for the Tiki Bar ... but no live entertainment ... but there was a misunderstanding as to what live entertainment was ... I thought it was a live band ... it wasn't a live band ... it was music played from records on our stereo system ... it was a misunderstanding about our license ... it was a onetime event ... and it won't happen again.

Mr. Graffeo continued his comments by asking, so what do I do about all the cars that are in front of my house that are illegally parked; to which Chairman Beauregard responded, unfortunately ... we've had this conversation many times before ... especially when it was Davy's Locker ... I don't control cars ... I believe you still have the residential parking in place on the side streets ... if they're parked in your spots ... you can call the police department ... again, we're going to ask before the night is over ... for his co-operation to maybe ask his employees not to be parking in front of neighbor's houses ... I think up until Sunday ... I think for the most part ... he's been in compliance.

Mr. Graffeo responded, don't get me wrong ... he has been a great neighbor until this past Sunday ... I'm just not sure what the future is going to be ... I don't know which way you're going to go; to which Mr. Kulpinski responded, we're not going to go on the road that we did on Sunday.

Chairman Beauregard responded, I don't know your familiarity with the business ... but it was a nightclub for years ... these people put up with an awful lot of noise ... aggregation ... and trash down there ... they just don't want to go back to that ... and that's why we're asking you specific questions about when the kitchen is going to open and close ... when the bar is going to open and close ... so it doesn't become a nightclub.

Mr. Kulpinski responded, I'm going to try to prevent as much as I can for it not to be a nightclub, to which Chairman Beauregard responded, that's not the right answer.

Mr. Kulpinski responded, we're not going to make a nightclub out of it, to which Chairman Beauregard responded, that's the right answer.

Mr. Kulpinski then stated, it's going to be more of a restaurant than a nightclub, to which Chairman Beauregard responded once again, that's the wrong answer.

In response, Chairman Beauregard stated, it's going to be a restaurant ... I don't want to hear nightclub ... that's why we're asking you specific questions here tonight ... so you will understand exactly what you're getting into and what we're approving ... if your intention is to be open until 2 a.m. and turn into a night club at 10 o'clock ... you're going to have a problem

Atty. Morad responded, I don't think anyone has the 'Edge' open until two, usually it's a ghost town by 11-11:30 p.m.; to which Chairman Beauregard responded, but now we're in a different venue.

Atty. Morad responded, but it's going to be fine dining ... so I don't see that to be an issue ... I just used the 'Edge' as an example ... I've never seen it open past midnight, which was confirmed by Mr. Kulpinski.

Chairman Beauregard once again asked if there was anyone present who wanted to speak or be recorded in opposition of the petition.

Next to be recognized was Ms. Nancy Fountaine who also resides at 10 Norman Street, which is located right across the street from the new establishment being proposed in the petition.

Ms. Fountaine stated, I spoke with Mr. Kulpinski about what happened last Sunday night ... and he said it was a mistake ... and that it would not happen again ... and I'm going to take his word for it ... but that's not why I'm here tonight ... but I do have a copy of the poster ... which does say there is going to be a Bikini Contest ... whether or not that took place ... I don't know ... and he did have a DJ ... it was a bad night for both of us ... and it's behind us now ... all I'm concerned about is what is going to happen when that outside deck is open ... I would respectfully request that they follow the same guidelines that you have on the Tiki Bar ... where the music is to be kept at a level as not to disturb the neighbors ... and only piped in music ... and no live music ... he says he's going to have a guitar player ... maybe one guitar player ... maybe a microphone ... maybe not a microphone ... depending on how loud the microphone is ... and wondering just how much control you really have over what's going to go on there ... I know you mean well ... and I'll take you at your word ... I know you're trying to co-operate with the neighbors ... but the fact that Sunday night got away from you as much as it did ... is kind of a red flag ... as far as the neighborhood is concerned ... are turning over the control to a manager ... or are you really in control ... and can we trust what you say is actually going to happen ... or in this case ... not happen ... that's one of my concerns ... will you be good to your word ... so if you're saying that it's going to be just a guitar player with no amplification ... I want to believe it ... that Tiki Bar has been wonderful ... I like what you've done there ... it's very nautical ... no complaints about anything ... so I'm not complaining now ... I just want to make sure that I'm not going to complain in the future.

Chairman Beauregard responded to Ms. Fountaine's concerns by stating, we'll address those issues before we close out the hearing.

Chairman Beauregard once again asked if there was anyone present who wanted to speak or be recorded in opposition of the petition.

Next to be recognized was Mr. Steven Crook who resides at 1465 East Rodney French Boulevard, which is located right

across the street from the new establishment being proposed in the petition.

Mr. Crook stated my main concern is going to be parking ... and the history with Billy Wood's Wharf ... I just want the Board to be aware of what went on in the early 90's down there ... and I just don't want to see something like that ... if it's a restaurant! ... it's a restaurant!! ... I can live with that. Mr. Crook continued his comments, the numbers on the application call for seating for 286 when you include the deck ... so my question is ... are they going to have enough parking on site for that?; to which Chairman Beauregard responded, as I stated earlier, this Board does not determine parking.

Mr. Crook concluded his comments by stating, well that's my concern ... and I want the Board to be aware of it ... what we went through in the early 90's was terrible; to which Chairman Beauregard responded, we're well aware of it and we'll have a conversation about it.

Upon hearing all the neighbors' concerns, as well as hearing Mr. Kulpinski's responses to those concerns; as well as those from the Board, Chairman Beauregard closed that portion of the hearing.

Prior to calling for a motion, Chairman Beauregard once again addressed the issues that occurred at the Tiki Hut by referencing the flyer for the event, which was submitted to the Board by Ms. Fountaine by stating, what we're pointing out there (on the flyer) is that this flyer is exactly what we don't want to see ... I think you've hired someone to come in to run the show ... and that's how it got away from you ... because you didn't have any idea of how many people were going to show up ... you hired an outside promoter ... he advertised it on his Facebook page ... all of a sudden everybody is in the door ... is that fair to say?; to which Mr. Kulpinski responded, yes, that would be fair to say ... but that won't happen again.

Chairman Beauregard responded, if that were ever ... ever to happen again ... I can assure you that we will not be as kind the next time around ... that's a big problem for us ... we've done a pretty good job controlling it in the last year or so ... but as soon as we saw the top of the flyer ... we knew where your problems came from.

Mr. Kulpinski acknowledged that he understood.

Voted: On a motion made by Commissioner Almeida, the Board voted unanimously to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; along with the following stipulations:

- That Mr. Kulpinski submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all his servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed;
- The Outside Deck Area was approved with the following restrictions:
 1. All alcohol (service and consumption) must cease at 11:00 p.m. and all patrons must be cleared of the deck area by 11:30.
 2. Music will consist of a one (1) piece live entertainer playing acoustic music or if amplified, no more than one (1) speaker will be allowed. All music and entertainment must cease by 9:00 p.m.
 3. All music and entertainment must be at such a level that will not be a disruption to the neighbors.
 4. The deck occupancy will be restricted to said limit (TBD) set by the Office of Inspectional Services. To the best of management's ability outdoor table seating should be reserved for patrons engaging in the consumption of food rather than just the consumption of alcohol.
 5. Smoking will be prohibited at all times on the deck.
 6. Drinks must be consumed within the licensed area and may not be consumed in the parking lot or adjacent Tiki bar area.

VOTED: Commissioner Almeida made a motion to remove item #'s 4 – 7 from the table; and take up the matters at this time. – **Unanimous**

Tabled at 06/22/15

4. PETITION - Trans. # 085 – Plot # 93--210 (No Representation Required)--CLUB

Portuguese American Athletic Club of Greater New Bedford, Inc., Arlindo Moura, (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, Arlindo Moura will be the President and a Co-Director, Manuel dos Santos will be the Vice-President and a Co-Director, Jose Ribeiro will be the Treasurer and a Co-Director, and Antonio DaCosta will be the Secretary and a Co-Director; and Ernesto Santos, Jose Ramos, Joao Marcal, and Jose Ferreira will all be Co-Directors. Premises will remain the same at **56 Holly Street**.

(No Advertisement nor Abutters Notification Required)

Minutes of 06/22/15 Meeting

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

Mr. Nanopoulos informed the Board that the club had submitted their Certificate of Good Standing from the DOR, and that the application was now complete, and in order for approval.

VOTED: Based on the applicant's submission of their Certificate of Good Standing from the DOR, which completed their application; Commissioner Almeida made a motion to waive the reading, and to approve the petitions as presented, and to forward the applications to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

5. Hearing: P.A.A.C. of Greater N. B. – CLUB – "RECEIVED DOR CERTIFICATE – 07/14/15"

Arlindo Moura, Manager
56 Holly Street

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

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

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

Minutes of 06/22/15 Meeting

Present: Atty. Donald Perry along with Arlindo Moura, Manager

Responding to questions from Chairman Beauregard, Atty. Perry stated on behalf of the club that they've submitted everything to the DOR and that they were expecting it this coming week; and that he would follow through with the accountant and the DOR to ensure that they get it; adding that there is no reason why they shouldn't get it.

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

Unanimous

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

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

VOTED: Commissioner Almeida made a motion to reconsider and rescind the Board's vote of 06/22/14 to suspend the club liquor license; based on the receipt of the DOR Certificate of Good Standing, which completed the application. –

Unanimous

Tabled at 06/22/15

6. PETITION - Trans. # 192 – Plot # 46--152 (No Representation Required)—CLUB

Verdean Veterans Memorial Foundation, Inc., Diane Pina, (new) President, who is petitioning for a Change of Officers and Directors of the Club All Alcoholic Beverages license.

The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses.

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

(No Advertisement nor Abutters Notification Required)

Minutes of 06/22/15 Meeting

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

Mr. Nanopoulos informed the Board that the club had submitted their Certificate of Good Standing from the DOR, and that the application was now complete, and in order for approval.

VOTED: Based on the applicant's submission of their Certificate of Good Standing from the DOR, which completed their application; Commissioner Almeida made a motion to waive the reading, and to approve the petitions as presented, and to forward the applications to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

Tabled at 06/22/15

7. Hearing: Verdean Veterans' Memorial Foundation, Inc. - "RECEIVED DOR CERTIFICATE – 07/15/15"

Kim M. Watkins, Manager
561 Purchase Street

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

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

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

Minutes of 06/22/15 Meeting

Present: Kim M. Watkins, Manager along with Helena S. Almeida

Responding to questions from Chairman Beaugard, Ms. Watkins stated the reason that they haven't received their DOR Certificate is due to the fact that their non-profit status was revoked in 2003 by the IRS, as a result of the club's failure to re-apply or get certified as a non-profit. Ms. Watkins added, so, if we had known, that our license was incumbent on having a non-profit status, I think we would have pursued re-certifying our non-profit status more quickly.

When asked by Chairman Beaugard if she was suggesting that they have not had a DOR Certificate since 2003, Ms. Watkins responded, there was never a need to request one before; and this only came about because it's required as part of this application process.

When asked by Chairman Beaugard as to when they would be getting the DOR Certificate, Ms. Watkins stated that her accountant stated it could take 4-6 months.

Mr. Nanopoulos informed the Board that based on the club's loss of non-profit status, it may affect their right to continue to hold the license and remain open, and that he would check with the ABCC for guidance.

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

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

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

VOTED: Commissioner Almeida made a motion to reconsider and rescind the Board's vote of 06/22/14 to suspend the club liquor license; based on the receipt of the DOR Certificate of Good Standing, which completed the application. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove item # 8 from the table and take up the matter at this time. – **Unanimous**

Tabled at 06/22/15

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

Patrick M. Flinn, Manager
477 Park Street

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

the Alcoholic Beverages Control Commission.

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

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

Minutes of 06/22/15 Meeting

Present: Patrick M. Flinn, Manager/Treasurer

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

When asked by Chairman Beauregard as to the amount that they actually owe, Mr. Flinn stated, probably about in the \$42,000.00 range ... it sounds like a lot of money ... but we do about \$250,000.00 a year ... roughly ... and there are also issues with two individuals which I'm doing an audit on ... regarding missing money ... but we do have a bond on the individuals ... if it is missing ... we have a bond for \$50,000.00 for recovery.

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

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

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

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

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

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

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

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

Tabled at 06/22/15

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

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

Minutes of 06/22/15 Meeting

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

VOTED: Commissioner Almeida made a motion to remove item # 10 from the table and take up the matter at this time. – Unanimous

Tabled at 06/22/15

10. Hearing: IBPOE, Elks, d/b/a William H. Carney Lodge #200—NEED DOR CERTIFICATE

Algie F. Wheatley, Manager
159 Mill Street

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

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

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

Minutes of 06/22/15 Meeting

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

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

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

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

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

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

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

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

Tabled at 06/22/15

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

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

(No Advertisement nor Abutters Notification Required)

Minutes of 06/22/15 Meeting

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

VOTED: Commissioner Almeida made a motion to remove item # 12 from the table and take up the matter at this time. – **Unanimous**

Tabled at 06/22/15

12. Hearing: Casa Do Benfica, No. 27, Inc. – CLUB - **NEED DOR CERTIFICATE**

Francisco M. Vala, Manager

1484 Acushnet Avenue

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

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

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

Minutes of 06/22/15 Meeting

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

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

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

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

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

Unanimous

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

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

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

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

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

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

13. PETITION - Trans. # 029 – Plot # 99 - 132 (No Representation Required)--CLUB

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

(No Advertisement nor Abutters Notification Required)

VOTED: Commissioner Almeida made a motion to remove item # 14 from the table and take up the matter at this time. –

Unanimous

Tabled at 06/22/15

14. Hearing: Whaling City Club, Inc. – CLUB - NEED DOR CERTIFICATE

Carlos Barreira, Manager

447 Belleville Avenue

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

Minutes of 06/22/15 Meeting

Present: Dennis Paim, Vice-President

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

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

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

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

Unanimous

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

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

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

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

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

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

15. PETITION - Trans. # 040 – Plot # 99 - 132 (No Representation Required)--CLUB

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

(No Advertisement nor Abutters Notification Required)

VOTED: Commissioner Almeida made a motion to remove item # 14 from the table and take up the matter at this time. –

Unanimous

Tabled at 06/22/15

16. Hearing: Young Cape Verdean Athletic Association, Inc. - "RECEIVED DOR CERTIFICATE - 07/27/15"

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 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.

As a result of your failure to comply in a timely manner, the Board will entertain testimony as to the actions of the Young Cape Verdean Athletic Association.

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2015 Liquor License**. Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

Minutes of 05/18/15 Meeting

Present: Atty. Michael Medeiros along with 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 that 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.

04/28/15 - "Returned No Action" - Failure to provide a Certificate of Good Standing from the DOR
"For Reconsideration"

Minutes of 06/22/15 Meeting

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

When asked by the Chairman as to how long would it be before they could obtain their Certificate of Good Standing from the DOR, Mr. Amato stated that he delivered a packet to the DOR a week ago Friday (June 12th) to the Hyannis Office, and that bit was reviewed by Doris Maylow and in turn was submitted to her supervisor, who was out on vacation but was due back today.

When asked by Chairman Beauregard if all the back taxes had been paid, Mr. Amato stated that a payment plan was set-up, which would require the club to pay \$2,100.00 a month to the DOR over a five year period.

When asked by Chairman Beauregard as to how many members belonged to the club, Ms. DePina responded, probably the most would be "18"; to which Chairman Beauregard asked, how do 18 members pay back \$2,100 a month?

Mr. Amato responded, actually, it's interesting you said that ... as a result of the review I went through with the club ... their prices for their liquor were probably under by approximately a \$1 ... so I told them that they needed to raise their prices.

Chairman Beauregard responded, even at that, how do you make it work?

Mr. Amato responded, based on their sales for the past two years ... an increase of 75 cents per drink ... would accommodate the \$2,100.00 a month for the payment plan ... which would not deter from any of their other expenses ... so that the increase all goes back towards paying back the DOR; to which Chairman Beauregard responded, those 18 members would need to do a lot of drinking to reach that number.

Mr. Amato responded, well, it's an open enrollment ... and their sales on alcohol are close to \$114,000.00 on an annual

basis.

Mr. DeMelo stated to the Board ... we're having functions just about every week ... we're making quite a bit of money on those functions.

When asked by Chairman Beauregard as to what type of functions they're having down there, Mr. DeMelo stated that they have some birthday parties ... baby showers ... there are so many different ones ... we keep a list of them ... and they keep coming in because we don't charge for the hall ... we make our money off the liquor that's sold.

When asked by Chairman Beauregard as to how much of the \$114,000.00 in annual sales is from outside sources versus members?

Mr. Amato responded, it's just about all outside sources ... the membership base does not really contribute that really ... it's all done through the bar.

Chairman Beauregard responded, you understand what you're saying to us ... this is a problem ... you have a 'club' license ... and you're doing basically what everybody else in the city is doing ... it's no longer a 'club' any more.

Chairman Beauregard concluded the hearing by stating, I suspect you'll be back before us ... we're going to take a look at the testimony that was presented here this evening ... but I can tell you ... that it's not going to continue ... with this Board ... speaking for myself as Chairman ... to run an organization in which a majority of your sales are from outside sources ... and running on a 'club' license ... you can't exist ... and I question how you can even pay back ... with one expense being \$2,100.00 ... never mind you (Mr. DeMelo) getting your rent ... you buying your product ... and paying the staff that you have on board ... according to your Club Compensation Form.

Mr. DeMelo responded that he has not been taking his rent because he cares about the club and the people that go there.

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

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

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

Mr. Nanopoulos informed the Board that the club had submitted their Certificate of Good Standing from the DOR, and that the application was now complete, and in order for approval.

VOTED: Based on the applicant's submission of their Certificate of Good Standing from the DOR, which completed their application; Commissioner Almeida made a motion to re-submit the previously approved application to the Alcoholic Beverages Control Commission for their approval. – Unanimous

Tabled 02/23/15

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 determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

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

Minutes of 01/21/15 Meeting

Present: Randy R. Cardoso, Owner

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

Minutes of 02/23/15 Meeting

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

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

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

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

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

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

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

Present: Licensee was excused from attending.

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

ACTION TAKEN: --None--

18. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant

Ms. Xiaohui Yang, Owner

218 Union Street

Approved 12/09/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business.*

Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

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

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

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

Present: Atty. Christopher Markey on behalf of Columbus Group, LLC

Responding to questions from Chairman Beauregard, Atty. Markey stated that his client was in the process of lining up funding to develop the 218-222 Union Street Location, in order for her to develop the entire building at one time, which would include an area for a restaurant; which she expects to begin in the fourth quarter of this year.

When asked by Chairman Beauregard if it was still her intention to use the license at that location, Atty. Markey responded, it's definitely her intention to use the license at that location, once she develops the property.

VOTED: Commissioner Almeida made a motion to **table the matter until the Board's November meeting with the following stipulation:**

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

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

3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

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

VOTED: Commissioner Almeida made a motion to take item #26 out of order, since Atty. Markey was also present for this matter as well. - **Unanimous**

19. Hearing: Cultivator Shoals, Inc. d/b/a Cultivator

Mr. Jason P. Lanagan, Owner

29 Union Street

Transfer Approved - 10/01/14

Change of Description Approved – 01/16/15

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

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

Minutes of 08/25/14 Meeting

Present: Jason P. Lanagan, Owner/Proposed Manager

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

Present: Licensee was excused from attending.

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

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

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

Mr. Jose G. Borges, Jr., Owner

289 Acushnet Avenue

Closed/Fire 01/26/15 License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

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

Present: Jose Borges, Jr., Owner/Manager

Responding to questions from Chairman Beauregard, Mr. Borges stated that the establishment was undergoing some

renovations due to a fire that occurred in January; and that he bought the building from his father and that he would be doing a transfer of license and change of license type, which would be all in his name only.

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

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

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

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

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

Chairman Beaugard suggested to Mr. Borges that he have a conversation with Mr. Romanowicz regarding the location of the doors, due to the fact that the plans that were presented to the Board show something different to what's there now. Mr. Nanopoulos clarified the matter by stating that the plans being referred to by Mr. Borges were never approved by the Board, and that there were now a new set of plans the Board has not seen, since they have not been submitted to the Board for approval, as of yet. Mr. Nanopoulos also informed Mr. Borges that he needed to submit the application for transfer and change of license type as soon as possible, which should include the final plans approved by the Building Department. Chairman Beaugard strongly recommended to Mr. Borges, that no further work be done regarding the doors until such a time that plans have been submitted to Mr. Romanowicz and to this Board, and they've been approved by both departments.

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

Tabled 12/22/14

21. Hearing: Nabih Moujabber d/b/a Lebanese Kitchen

Mr. Nabih Moujabber, Licensee

1487-1489 Purchase Street

Closed 07/12/14 – Renovations (Fire)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

Minutes of 12/22/14 Meeting

As a result of the open hearing held on December 22, 2014 to determine the status of your annual liquor license for the

year 2014, and to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2015 renewal application; **this Board voted unanimously to approve the renewal of your license for '2015,' and to table the matter until The Board's July 27, 2015 Meeting with the following stipulation:**

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

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

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

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

Present: Licensee Did Not Appear As Requested

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

22. Hearing: Tane Corporation d/b/a Octane Sports Bar

Ms. Fernanda Carvalho, Owner

1430 Acushnet Avenue

Closed 10/31/13 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

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

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

Minutes of 05/18/15 Meeting

Present: No one was required to appear.

Mr. Nanopoulos informed the Board that in a letter dated May 11, 2015, Atty. Peabody, on behalf of Candleworks Ventures, requested that the pending application for transfer be withdrawn; 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.

Present: Fernanda Carvalho and Claudio Carvalho, Co-Owners

Mr. Nanopoulos reminded the Board that the Octane license was purchased by Mr. Rockett for use at the proposed 'new' hotel for which an application was submitted and later withdrawn; with an indication from Mr. Rockett that an application would be submitted for transfer to the Candleworks Building in June, which did not occur, and that there's been no further communication from Mr. Rockett nor his legal counsel (Atty. Peabody) regarding those plans. Mr. Nanopoulos added, so at this moment, there is no pending application for the transfer of this liquor license, which has been inactive since 2013. When asked by Chairman Beauregard if she's heard from Mr. Rockett, Ms. Carvalho responded, nothing at all, I thought this was done and complete, and out of my hands.

When asked by Chairman Beauregard if he had paid her, Ms. Carvalho responded, yes sir.

When asked by Ms. Carvalho, so what you're saying is that I'm still the holder of the license, Chairman Beauregard responded, you are.

Mr. Nanopoulos reminded Ms. Carvalho and the Board, that since the license has not been approved for transfer by this Board and the ABCC, Mr. Rockett has no legal rights to the license; therefore, as of this moment, Ms. Carvalho is the only one that can sign the renewal in November, and that she is responsible for the payment of the renewal fee, if the Board were to allow her to renew the license for 2016.

Chairman Beauregard suggested that the Board contact Atty. Markey and have him reach out to Mr. Rockett and/or Atty. Peabody, and inquire what their plans are for the license, as well as requesting a time frame for the transfer of the license.

VOTED: Commissioner Almeida made a motion **to table the matter until the Board's November meeting with the following stipulation:**

To notify and put the current Licensees, who are the holders of an inactive license on notice that they have **until November 1, 2015 to initiate one (1) of the following three (3) options prior to this date:**

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

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

23. Hearing: The Sky Room, Inc. d/b/a The Sky Room

Ms. Audrey Carter, Manager/Owner

651 Orchard Street

Howland Mills Restaurant, Inc.

Atty. Richard J. Manning

167 William Street

Closed 12/22/14 – Foreclosed (02/04/15)

Your presence and that of Curtis Mello on behalf of Howland Restaurant, Inc., is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

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

Present: Curtis Mello, representing Howland Mills Restaurant, Inc. (Acquired the rights to the license through foreclosure).

Responding to questions from Chairman Beauregard, Mr. Mello stated that he just finished obtaining the amounts owed to distributors, which amounted to about \$7,500.00; and that he was still waiting for Atty. Manning to get the amount owed to the DOR but he wasn't sure if they were responsible for that money.

Mr. Nanopoulos informed Mr. Mello and the Board that they were in fact responsible for the payment of that money since

the license was not acquired through a bankruptcy proceeding, but instead, through foreclosure, which keeps them on the hook for that debt before the license can be transferred.

Mr. Mello responded, if that's the case, we'll get that number and just pay it all off, so that the license can be transferred back to Howland Mills Restaurant, Inc. ; Mr. Mello added, we do have a couple of people interested and we want it to be a function hall ... period ... no matter who runs it ... I may even be interested in doing something ... **but whatever it is ... it will only be a function hall ... never a nightclub!!**

When asked by Chairman Beaugard if there was going to be a problem if the Board tabled the matter until November with regard to the renewal, Mr. Nanopoulos informed the Board that since Howland Mills Restaurant, Inc. foreclosed on the license, they have the right to sign the renewal and pay the renewal fee; but suggested that an application for transfer should be submitted as soon as possible.

VOTED: Commissioner Almeida made a motion **to table the matter until the Board's November meeting with the following stipulation:**

To notify and put the current Licensees, who are the holders of an inactive license on notice that they have **until November 1, 2015 to initiate one (1) of the following three (3) options prior to this date:**

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

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

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

Ms. Kristina Morrow, Manager/Co-Owner

1669 Acushnet Avenue

Change of Location Approved – 06/11/15

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your General on Premise All Alcoholic Beverages License.

Minutes of 06/22/15 Meeting

Present: Lawrence Bucha, Owner; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.

Responding to questions from Chairman Beaugard, Mr. Bucha informed the Board that they were still in the process of renovating the premises but they were trying to be open by the end of July but they weren't sure if they would be; and added that if he was open by then, it would be his intention to be open until 2 a.m. every night; and that they would have bouncers on from 10 p.m. until 2 a.m.

When asked by Chairman Beaugard if he would be willing to close his doors to new people at 11:45 p.m., Mr. Bucha stated that he would do that.

Chairman Beaugard instructed Mr. Bucha that he needed to let the Board know by July 27th, if he was going to be open by that weekend.

Present: No one appeared as requested

Mr. Nanopoulos informed the Board that he was told that they would not be opening until after the feast.

ACTION TAKEN: None, no further action required

Tabled at 06/22/15 Meeting

25. Meeting: Simba, Inc. d/b/a Whiskey Lounge

Ms. Kristina Morrow, Manager/Co-Owner

1669 Acushnet Avenue

You are hereby notified that your presence is required at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 30th, July 31st, August 1st, & August 2nd)**.

The meeting will include Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

Minutes of 06/22/15 Meeting

Present: Lawrence Bucha, Owner; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.

Responding to questions from Chairman Beauregard, Mr. Bucha informed the Board that they were still in the process of renovating the premises but they were trying to be open by the end of July but they weren't sure if they would be; and added that if he was open by then, it would be his intention to be open until 2 a.m. every night; and that they would have bouncers on from 10 p.m. until 2 a.m.

When asked by Chairman Beauregard if he would be willing to close his doors to new people at 11:45 p.m., Mr. Bucha stated that he would do that.

Chairman Beauregard instructed Mr. Bucha that he needed to let the Board know by July 27th, if he was going to be open by that weekend.

Present: No one appeared as requested

Mr. Nanopoulos informed the Board that he was told that they would not be opening until after the feast.

ACTION TAKEN: None at this time.

26. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty

Mr. Shang Ying Zhao, Manager of LLC

114-116 Nauset Street

Transfer Approved 06/03/14 – Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application.

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

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

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

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

Present: Atty. Christopher Markey on behalf of Ying Dynasty Nauset, LLC

Responding to questions from Chairman Beauregard, Atty. Markey stated that due to issues with two contractors, there have been delays in starting the renovations but those issues have been resolved, and that the renovations should begin within the next month; and that he plans to be open by December.

VOTED: Commissioner Almeida made a motion **to table the matter until the Board’s November meeting with the following stipulation:**

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

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

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

VOTED: Commissioner Almeida made a motion to take up **Item #'s 27 - 49** at one time; waive reading; and approve the applications as presented – **Unanimous**

27. APPLICATION, (No Representation Required)

Flagship Cinemas, Inc., Hilarie Teves, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Movie Premiere’ to be held in the Flagship Cinemas; Lobby, located at **500 King’s Highway**; and to be held on **Tuesday, June 30, 2015 from 6:00 p.m. until 8:00 p.m.**

28. 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, July 8, 2015, from 6:00 p.m. until 8:00 p.m.**

29. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Caitlin McCaffery, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Tall Ship Sagres Party’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, July 9, 2015, from 6:30 p.m. until 9:30 p.m.**

30. APPLICATION, (No Representation Required)

Fort Taber/Fort Rodman Historical Association, Joseph Langlois, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Pirate Invasion Volunteer Appreciation Dinner’ to be held at the **Fort Taber Community Center**, located in **Fort Taber Park**; and to be held on **Saturday, July 11, 2015, from 6:00 p.m. until 11:45 p.m.**

(Final approval will require Liquor Liability with the City named as additionally insured.)

31. APPLICATION, (No Representation Required)

Fathoms Bar & Grille, Inc., Christopher Bentley, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘Captain’s Dinner/ Shark Tournament’, to be held **on the outdoor grass area, which is contiguous to the outdoor patio area of the licensed establishment**, located at **255 Pope’s Island**; and to be held on **Thursday, July 16, 2015, from 4:00 p.m. until 8:00 p.m.**

32. APPLICATION, (No Representation Required)

Fort Taber/Fort Rodman Historical Association, Joseph Langlois, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Chamber of Commerce Event’, to be held at the **Fort Taber Community Center**, located within **Fort Taber Park**; and to be held on **Wednesday, July 22, 2015 from 6:00 p.m. until 9:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured.)*

33. APPLICATION, (No Representation Required)

New Bedford Festival Theatre, Inc., Armand R. Marchand, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an ‘After Show Opening Night Reception’ to be held at the **UMD Star Store Gallery**, located at **800 Purchase Street**; and to be held on **Friday, July 24, 2015 from 10:00 p.m. until 11:45 p.m.**

34. APPLICATION, (No Representation Required)

Club Sports Madeirense, - S.S. Sacramento, Inc. Paul LeConte, President requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘101st Feast of the Blessed Sacrament’ to be held on the **Madeira Feast Grounds (88 Tinkham Street)**, located on **Madeira Avenue**; and to be held **Thursday, July 30, 2015 from 6:00 p.m. until 11:45 p.m., Friday, July 31, 2015 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 1st & 2nd, 2015 from 12:00 p.m. until 11:45 p.m.** *(Security Plan Approved At 06/22/15 Meeting)*

35. APPLICATION, (No Representation Required)

Club Sports Madeirense - S.S. Sacramento, Inc. Paul LeConte, President requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘101st Feast of the Blessed Sacrament’ to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held **Thursday, July 30, 2015 from 6:00 p.m. until 11:45 p.m., Friday, July 31, 2015 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 1st & 2nd, 2015 from 12:00 p.m. until 11:45 p.m.** *(Security Plan Approved At 06/22/15 Meeting)*

36. APPLICATION, (No Representation Required)

Panthers Athletic and Social Club, Inc. Jose ‘Zack’ DaSilva, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a “Fundraiser” to be held in the **Club – Parking Lot**, located at **43 Madeira Avenue**; and to be held **Thursday, July 30, 2015 from 6:00 p.m. until 11:45 p.m., Friday, July 31, 2015 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 1st & 2nd, 2015 from 12:00 p.m. until 11:45 p.m.**

(Security Plan Approved At 06/22/15 Meeting)

37. APPLICATION, (No Representation Required)

Club Sports Madeirense, Inc., Richard Fernandes, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘Fundraiser’ to be held in the ‘**Club – Parking Lot**’, located at **1626 Acushnet Avenue**; and to be held **Thursday, July 30, 2015 from 6:00 p.m. until 11:45 p.m., Friday, July 31, 2015 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 1st & 2nd, 2015 from 12:00 p.m. until 11:45 p.m.**

(Security Plan Approved At 06/22/15 Meeting)

38. APPLICATION, (No Representation Required)

Low Tide Yacht Club, Ray Holberger, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Dinner/Theatre’, to be held **inside** the Low Tide Yacht Club, located within **Fort Taber Park**; and to be held on **Friday, July 31, 2015, from 5:00 p.m. until 11:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured)**

39. APPLICATION, (No Representation Required)

N.B. Whaling Museum, Caitlin McCaffery, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Over The Top Gala’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, August 1, 2015, from 6:00 p.m. until 10:00 p.m.**

40. 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 **Tuesday, August 4, 2015, from 5:00 p.m. until 11:45 p.m.**

41. APPLICATION, (No Representation Required)

Immigrants’ Assistance Center, Inc., Helena S. Martins, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a ‘Fundraiser’ to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held on **Thursday Aug. 6, 2015, from 7:00 p.m. until 10:00 p.m.**

42. APPLICATION, (No Representation Required)

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern, Noah Griffith, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Cross Fit New Bedford Private Event’, to be held within **Wing’s Court**; and to be held on **Saturday, August 8, 2015, from 2:00 p.m. until 6:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured & Police Detail Contract)**

43. APPLICATION, (No Representation Required)

Society of Senhor Da Pedra, Ana Pimentel, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘Fundraiser/ A Feast of Senhor Da Pedra’ to be held on the **Madeira Field – Stands 1 & 2**, located on **Madeira Avenue**; and to be held on **Friday, August 14, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, August 15, 2015 from 6:00 p.m. until 11:45 p.m., and Sunday, August 16, 2015 from 2:00 p.m. until 11:00 p.m. (Final approval will require Liquor Liability and a copy of the Police Detail Contract)**

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

44. APPLICATION, (No Representation Required)

Low Tide Yacht Club, Ray Holberger, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Annual Clamboil’, to be held at the **Low Tide Yacht Club to include the porch and adjacent tent**, located within **Fort Taber Park**; and to be held on **Saturday, August 22, 2015, from 4:00**

p.m. until 11:00 p.m. (*Final approval will require Liquor Liability with the City named as additionally insured*)

45. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '6th Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 22, 2015, from 6:00 p.m. until 11:00 p.m.**

46. APPLICATION, (No Representation Required)

The Trustees of Reservations, Ross Moran, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Private Members Event Fundraiser', to be held at the **Allen Haskell Public Gardens**, , located at **787 Shawmut Avenue**; and to be held on **Saturday, August 22, 2015 from 4:00 p.m. until 7:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured.*)

47. APPLICATION, (No Representation Required)

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern, Noah Griffith, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Labor Day Ride', to be held **within Wing's Court**; and to be held on **Sunday, September 6, 2015, from 1:00 p.m. until 5:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured & a copy of the Police Detail Contract*)

48. APPLICATION, (No Representation Required)

New Bedford Jewish Convalescent Home, Ruth Glicksman, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Cocktail Party Fundraiser' to be held at the **New Bedford Jewish Convalescent Home**, located at **200 Hawthorn Street**; and to be held on **Sunday, September 20, 2015, from 5:30 p.m. until 9:30 p.m.**

49. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Marianne Conley Hodgson, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '10th Annual New Bedford Seaport Chowder Festival', to be held on **Pier 3**; and to be held on **Sunday, October 18, 2015, from 12:00 p.m. until 5:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

VOTED: Commissioner Almeida made a motion to remove item # 50 from the table and take up the matter at this time. – **Unanimous**

Tabled at 06/22/15 Meeting

50. Meeting: Skylight Enterprises, Inc. d/b/a ALIanca Lounge

Mr. Michael R. DeMatos, Manager
1708 Acushnet Avenue

You are hereby notified that your presence is required at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 30th, July 31st, August 1st, & August 2nd)**. The meeting will include Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

06/22/15 Minutes

Present: Mr. DeMatos Did Not Appear As Requested

VOTED: Commissioner Almeida made a motion to table the matter to the Board's July 27th meeting. – **Unanimous**

Present: Michael DeMatos, Owner/Manager

Upon discussing the matter with Mr. DeMatos with input from Capt. Vicente, the licensee stated that he would be closing at 11:45 p.m. on all four (4) days of the feast weekend. The Board also reminded the licensee that it was his responsibility to ensure that patrons do not enter his establishment intoxicated and that he should not serve to the point of intoxication; and that it was the Board's suggestion that he provide adequate security for the four consecutive evenings.

ACTION TAKEN: --None Required--

VOTED: Commissioner Almeida made a motion to remove item # 51 from the table and take up the matter at this time. – **Unanimous**

Tabled at 06/22/15 Meeting

51. Meeting: Clube Ponta Delgada, Inc.

Ms. Christina Machado, Proposed New Manager
61-65 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **101st Feast of the Blessed Sacrament (July 30th, July 31st, August 1st, & August 2nd)**. The meeting will include Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Madeira heritage, remains a safe and enjoyable event for all.

Minutes of 06/30/14 Meeting

Present: Walter Gibau, Jr., Manager; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd., and Det. Lt. Joao Chaves, Detail Officer for Special Events

Mr. Gibau stated that they **would not be applying** for a Special license, and she understood that no one should be allowed in or out of the Club with alcohol, and that the club would be closing at 11:30 p.m. as they have done in the past.

Mr. Nanopoulos reminded Mr. Gibau that they are not allowed to offer reduced drink prices for that weekend, which has occurred in the past.

***Licenses for this year's event must be applied for by July 6, 2015**

06/22/15 Minutes

Present: Ms. Machado Did Not Appear As Requested

VOTED: Commissioner Almeida made a motion to table the matter to the Board's July 27th meeting. – **Unanimous**

Present: Christina Machado, Manager

Upon discussing the matter with Ms. Machado with input from Capt. Vicente, the licensee stated that she **would not be applying** for a Special license, and that the club would be closing at 11:30 p.m. as they have done in the past.

Mr. Nanopoulos also reminded Ms. Machado that they are not allowed to offer reduced drink prices for that weekend, which has occurred in the past; and that no one should be allowed in or out of the Club with alcohol

The Board also reminded Ms. Machado that it was her responsibility to ensure that patrons do not enter the 'club' intoxicated and that they should not serve to the point of intoxication; and that it was the Board's suggestion that the 'club' provide adequate security for the four consecutive evenings.

ACTION TAKEN: --None Required--

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

Ms. Renee Y. Sebastian, Manager
110-12-14-County Street

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

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

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

The potential violations are as follows:

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

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

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

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

Licensing Board Regulations No.12-

Premises must at all times be kept safe.

Date and time of alleged violations: Saturday, June 6, 2015 @ approximately 2:07 a.m. - Police Report #15-6820-OF

Mr. Nanopoulos informed the Board that Atty. Medeiros had submitted a letter dated July 23, 2015 on behalf of O'Escondidinho, Inc., requesting that tonight's scheduled hearing be continued (Tabled) until the August 24th meeting; due to the fact that he had been retained to represent them, and that he would be away on vacation, therefore, he would be unable to be present to represent his client.

VOTED: Commissioner Almeida made a motion to table the matter to the Board's August 24th meeting. – **Unanimous**

- **CORRESPONDENCE**

---NONE--

- **COMPLAINTS RECEIVED:**

---NONE--

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

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

- **NEXT TWO MEETING DATES:** Monday, August 24th & Monday, September 21st both in Room 314 - **Approved**

- **MEETING ADJOURNED:** 8:25 p.m.