



Licensing Board

September 21, 2015 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-MINUTES-

Monday, September 21, 2015

Room 314 – 7:00 p.m.

PRESENT: Steven A. Beaugard, Chairman (Unable to Attend Due To A Personal Matter)

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

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

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

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF August 24, 2015 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Altering of Premises - 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**.

Approved By ABCC – 08/27/15

Transfer & Change of Location - 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**’.

Approved By ABCC – 08/28/15

Change of D/B/A - Trans. # 094 – Plot # 106—85

Sugar & Pico, Inc., Jose Matos, President, is requesting a **Change of d/b/a from Sugar Daddy’s Campino Lounge to ‘The Camp’**; premise will remain the same at **821 South First Street**.

Approved By ABCC – 08/31/15

Change of Officers & Directors - Trans. # 085 – Plot # 93--210

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**.

Approved By ABCC – 09/10/15

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

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officers & Directors - Trans. # 073 – Plot # 25--88

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 Bargassee will all be Co-Directors. Premises will remain the same at **159 Mill Street**.

Disapproved By ABCC – 09/09/15 - Failure to Comply With Mass Tax Laws (DUA) – 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 resolved.

VOTED: To accept the application back from the ABCC, and to the re-submit application to the ABCC “for reconsideration”, only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

Change of Officers, Directors, & Manager - Trans. # 029 – Plot # 99 - 132

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

Disapproved By ABCC – 09/09/15 - Failure to Comply With Mass Tax Laws (DUA) – 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 resolved.

VOTED: To accept the application back from the ABCC, and to the re-submit application to the ABCC “for reconsideration”, only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

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

Young Cape Verdean Athletic Association, Inc., Donald S. Soares, New President, who is petitioning for a **Change of**

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

"Returned No Action" – 09/08/15 – Incorrect Information on Application – 1st Attempt

Application to be sent back to the ABCC "For Reconsideration"; only upon submission of corrected forms.

VOTED: To accept the application back from the ABCC, and to the re-submit application to the ABCC "for reconsideration", only upon receipt of all the required corrected forms. – **Unanimous**

1. PETITION - Trans. # 167 – Plot # 123--43

New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, 500 King's Highway, is requesting the approval of **Kathleen Mello**, who resides at 4801 North Main Street, Unit 209, Fall River, MA. **as their new manager**.

Present: Kathleen Mello, Proposed New Manager

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

2. PETITION - Trans. # 194– Plot # 102--128

Ransan Rotisserie, Inc. d/b/a Braza Rotisserie, Randy R. Cardoso, President, license currently issued for use at **566 Pleasant Street**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine and Malt Only Beverages (7 Day) License** to **Portugal Verde Soccer Academy, Inc.**

The proposed transferee is also requesting a **Change of Location to 424 Nash Road; as well as a Change of License Type from a 'Restaurant Wine & Malt Only' license to a 'General on Premise Wine & Malt Only' license**. Upon approval, **Isaias M. Furtado** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder, and **Manager**. The proposed new licensed premise consists of a 20,000 sq. ft. area within a one-story building, which will operate as an indoor soccer facility. The area will include a snack bar, office, storage room, two restrooms, and an indoor soccer area with bleacher seating for approximately 60 patrons.

Alcohol will be served from the snack bar area. The premises is situated on the south side of Nash Road between Church and Mt. Pleasant Streets, with the main entrance/exit located in the front of the building that leads into the parking lot; with four (4) emergency exits (one (1) each on the north and south side of the building and two (2) in the rear of the building), and is numbered **424 Nash Road**.

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

Application has been advertised; Abutters have been notified

Present: Atty. Michael Medeiros along with Isaias M. Furtado, Buyer, and Randy R. Cardoso, Seller

Mr. Nanopoulos stated that a letter had been received from Mr. John M. Kalisz of which a copy was presented to Atty. Medeiros, as well as being received and placed on file unanimously by the Board; which stated in part the following:

Upon receipt of a Notice of Hearing by the Licensing Board concerning a transfer of liquor license to the Portugal Verde Soccer Academy, Inc. located at 424 Nash Road, of which I am a direct abutter. I am not in favor of this license transfer because I found beer cans, bottles, and broken bottles discarded on my property, and thrown in my shrubbery. Further, I have submitted a letter dated 08/27/13 along with a New Bedford police Report concerning an event Mr. Furtado conducted in the parking lot (Hot wheels property). This event, consisting of loud music and bad behavior disturbed many residents in the north end neighborhood, and resulted in one arrest by police. Mr. Furtado assured me he would provide security to protect my property, however none was provided. However, I do feel an indoor soccer facility would be beneficial for New Bedford, I don't think liquor would enhance the sport. I respectfully request the Licensing Board disapprove the transfer of this license.

When asked by Commissioner Almeida to explain as to how Mr. Furtado planned on using the beer and wine license,

Atty. Medeiros stated the following in part on behalf of his client:

It's going to be transferred to an indoor soccer academy ... it's a large facility ... it's one of which a large majority of it is actually occupied by the soccer field, which you can see on the plan that was submitted ... and is use by both adults and children ... he also plans on operating the facility with only beer and wine ... it would be poured at the snack bar area ... *and it would only be used by patrons who come in and use the soccer facility* ... it's not going to be used for people who just come in to drink ... it would be for people who come in to play or watch soccer games ... he also has the facility used for children ... he also plans on having birthday parties ... if the kids want to have party there in which the kids play for an hour or two ... they rent the facility for or a birthday party ... they can play the game ... and there will be people there ... they can have cake and ice cream ... and there will also be beer and wine, which will obviously only be served to people of age ... the hours of operation will be Monday through Thursday from 10 a.m. until 11 p.m. ... and Friday and Saturday from 10 a.m. until 12 a.m. ... and on Sunday from 11 a.m. until 11 a.m. ... he does have prior experience ... he was the president of the Sporting Soccer Club on Beetle Street ... they had an all alcohol beverage license ... he is not T.I.P.S. Certified ... but he understands if this were to be transferred, he would be required to be certified, as well as anyone else that would be pouring the alcohol.

Responding to Atty. Medeiros's comments, Commissioner Almeida stated, I have a problem with the alcohol with the soccer field, especially with kids being there; you put the two together it's another problem.

Atty. Medeiros responded, there will be kids there but it's not exclusively for kids; any restrictions that the Board would feel to be appropriate ... we're here to obviously embrace those that would be in the best interest of him from a liability standpoint ... and obviously it's best for the community.

With no further questions from the Board, Commissioner Almeida then asked if there was anyone present who wished to speak or be recorded in favor of the petition, upon hearing and seeing none; Commissioner Almeida then asked if there was anyone present who wanted to speak or be recorded in opposition of the petition.

Upon hearing and seeing none, Commissioner Almeida closed that portion of the hearing and called for a motion.

Responding to Commissioner Almeida's call for a motion, Commissioner Craig stated, I have some concerns as well, but I think a matter such as this really requires that the Chairman be here, so that we have three votes on this matter.

VOTED: Commissioner Craig made a motion to table the matter until the Board's October meeting with a full Board present. – **Unanimous**

VOTED: Commissioner Craig made a motion to remove Item # 3 from the table. – **Unanimous**

Tabled at 02/23/15 Meeting

3. Hearing: Ransan Rotisserie, Inc. d/b/a Braza Rotisserie

Mr. Randy R. Cardoso, Owner

566 Pleasant Street

Closed 12/31/13 – License for Sale

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

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

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

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

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

Minutes of 01/21/15 Meeting

Present: Randy R. Cardoso, Owner

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

Minutes of 02/23/15 Meeting

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

Buyer

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

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

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

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

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

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

Minutes of 07/27/15 Meeting

Present: *Licensee was excused from attending.*

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

ACTION TAKEN: --None--

Minutes of 08/24/15 Meeting

Present: *Licensee was excused from attending.*

Mr. Nanopoulos informed the Board that a transfer application was in the process of being prepared to transfer the license to the soccer facility on Nash Road, therefore, he notified Mr. Cardoso that his presence was not required at this meeting; but he would have to appear at the September 21st meeting.

ACTION TAKEN: --None--

Present: *Randy R. Cardoso, Owner*

Mr. Nanopoulos informed Mr. Cardoso that he would not be required to attend the meeting in October on the transfer of his license, but based on that outcome, he may be required to appear before the Board in November; at which time he would be required to sign his renewal, no matter what the outcome of the October meeting.

Mr. Cardoso acknowledged that he understood.

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

*****Item #'s 4 & 5 are Related Petitions*****

4. PETITION - Trans. # 083- Plot # 53--102

Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, license currently issued for use at **29 Union Street**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine and Malt Only Beverages (7 Day) License** to **DNB, LLC d/b/a DNB Burgers**. Upon approval, **Amelia G. Ruvich and Joshua M. Lemaire will both be Co-Members, Co-Managers, and Co-Interest Holders (50% ea.)**. **Amelia G. Ruvich** is the **Proposed Manager** of the **Liquor License**. The proposed new licensed premises will consist of an area, approximately 996 sq. ft., on the first floor of a three - story building, which will include a dining area with counter and table seating for approximately twenty (20) patrons; the area will also include a kitchen area, a storage room, and one (1) unisex bathroom. There is one entrance/exit in the front of the building that leads onto Elm Street, along with an additional entrance/exit on the east side of the building that leads into the parking lot; and an additional entrance/exit from the kitchen into a common area, which will be used by staff and for deliveries only. Premise is located on the south side of Elm Street between North Water and Bethel Streets and is numbered **22 Elm Street**.

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

Application has been advertised; Abutters have been notified

Present: *Amelia G. Ruvich, Proposed Manager and Co-Owner and Joshua M. Lemaire, Co-Owner*

Responding to questions from Commissioner Almeida, Ms. Ruvich stated that they've been BYOB since they opened, and that's the only experience she's had in service of alcohol; and that they followed ABCC guidelines with regard to carding people as well as monitoring people that come in to ensure that they are not already intoxicated; and added, we're not

really a bar so we're not looking to have people hang out and just drink. She added that seating is limited, and that they were looking to add beer and wine to make the experience at DNB Burgers better.

When asked by Commissioner Almeida if she was T.I.P.S. Certified, Ms. Ruvich stated that she was not currently certified but that it was her intention to become certified, and that her staff would be certified as well.

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

Note: Upon being approved by the Board, Mr. Nanopoulos reminded Ms. Ruvich that she could no longer allow BYOB, as mandated by ABCC Regulations, since she now has a pending application on file; as well as suggesting that she puts up a sign for her customers informing them that BYOB is no longer allowed on the premises.

5. PETITION - Trans. # 151 – Plot # 53—198C

JAMA, LLC d/b/a Major League Burgers, Jane A. Magan -Askew, Manager of LLC, license formerly exercised on premises located at **914 Mt. Pleasant Street**, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Cultivator Shoals, Inc. d/b/a Cultivator**. Upon approval, Jason P. Lanagan will be the President, Secretary, Co-Director, and Co-Shareholder (50%); and, Howard L. Mallowes will be the Treasurer, Co-Director, and Co-Shareholder (50%). **Jason P. Lanagan** is the **Proposed Manager**.

The (previously approved) licensed premises will consist of an area approximately 553 sq ft on the first floor of a three story building, which includes one (1) dining room with table seating for approximately Ten (10) patrons, and a bar with seating for six (6) patrons, along with an enclosed kitchen area.

The licensed premises will also include two (2) handicapped restrooms, a prep area, and a secured walk-in cooler for liquor storage located in an adjacent first floor common area. (No alcohol shall be consumed in this area.) There is one handicapped accessible entrance/exit on the west side of the building onto Union Street along with an emergency only exit in the front of the building also onto Union Street, and an additional exit in the rear of the building. Premise is located on the north side of Union Street between Front and Water Streets, and will be numbered at **35 Union Street. (Re-numbered from 29 Union Street per City of N.B. Engineering Dept.)**

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

Application has been advertised; Abutters have been notified

Present: **Jason P. Lanagan, Co-Owner**

Responding to questions from Commissioner Almeida, Mr. Lanagan stated that the renovations relative to the previously approved plans were just about done; and they hoped to be open by Thanksgiving eve; and that he was T.I.P.S. Certified and that his staff would be certified as well.

Voted: Commissioner Craig made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. Lanagan 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. – **Unanimous**

6. PETITION - Trans. # 163 – Plot # 110--14

Prutha, Inc. d/b/a Central Liquors, Nileshkumar M. Patel, President, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to JALARM, Inc. d/b/a Central Liquors**, who is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License to Webster Bank** with an address of 609 West Johnson Avenue, Cheshire, CT. as security to authorize and execute a promissory note in the amount of **Two Hundred & Fifty Thousand Dollars (\$250,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.. Divyesh Patel** is the President, Treasurer, Clerk, and Sole Shareholder (100%), Sole Director; and the **Proposed New Manager**. Premises will remain the same at **1847 Acushnet Avenue**.

Final approval will require a '**Change of Tenant**' from the Building Department.

Application has been advertised; Abutters Notification was not required.

Present: **Atty. Jay Williams along with Nileshkumar M. Patel, Proposed Manager/Owner**

Responding to questions from Commissioner Almeida, Mr. Patel stated that he has been the owner of Trio Liquors on Belleville Avenue in New Bedford for the past two years; and that he would be on the premises about 40 hrs. a week and that he was T.I.P.S. Certified.

Voted: Commissioner Craig made a motion to approve the petition as presented, and to forward the application to the

Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. Patel 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 employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

7. Hearing: Whaling City Club, Inc. – APPLICATION AMENDED - NEW MANAGER SUBMITTED
Denis F. Paim, President
447 Belleville Avenue

Based on this decision of 08/24/15 to disapprove your application for a change of officers, directors, and manager, your presence is required at our next meeting. Please be advised that you have until September 11, 2015 to submit paperwork for a new manager in order to complete your pending application. Your failure to comply with this order will find you in violation of the regulations which may require the board to take action. **Please have your license with you at the next hearing.** I strongly suggest that you contact Mr. Nanopoulos so that he may instruct you as to what is required to complete your application **by the September 11th deadline.**

Action Taken: Based on the licensee's submission of a new manager application, no action was required.

8. PETITION - Trans. # 040 – Plot # 99 - 132

Whaling City Club, Inc., Denis F. Paim, (new) President, who is petitioning for a Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Denis F. Paim will be the President, Adriano V. Lopes will be the Treasurer, and Jaslyn S. Sweetman will be the Secretary; and Antonio Santo and Deodato Santo will be Co-Directors. The 'club' is also requesting the approval of **Dorothy L. Andrews**, who resides at 17 Adams Street, N.B., MA. as their **New Manager**. Premises will remain the same at **447 Belleville Avenue**. ***(No Advertisement nor Abutters Notification Required)***

Present: Denis F. Paim, New President along with Dorothy L. Andrews, Proposed New Manager.

When asked by Commissioner Almeida if she had any previous experience at being a bar manager, Ms. Andrews stated that she did not but I've held other management positions not related to the service of alcohol; and that she's been very involved with the club for the past couple of years, which included assisting with many of the activities at the club.

When asked by Commissioner Almeida if she knew what it meant to be T.I.P.S. Certified, Ms. Andrews stated that it was her intention to become T.I.P.S. Certified and was waiting for the next class to be held; and that she's also served as a bartender when they hold functions at the club.

When informed by Commissioner Almeida that there have problems at the club, and that the Board wanted to make sure that there was someone who was qualified there, Ms. Andrews responded, right, and that's me!

When asked by Commissioner Almeida if she was familiar with the regulation regarding the rental of the hall, Ms. Andrews stated that she did.

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

Tabled at 07/27/15 Meeting

9. 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 to when he anticipated he would have his DOR Certificate, Mr. Flinn responded, if I can work up the paperwork this week ... and submit it 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.)

Minutes of 07/27/15 Meeting

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

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

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

Action Taken: NONE

Tabled at 06/22/15 Meeting

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

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

Minutes of 06/22/15 Meeting

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

Action Taken: NONE

VOTED: Commissioner Craig made a motion to remove Item #11 from the table. – Unanimous

Tabled at 07/27/15 Meeting

11. Hearing: Sapatinha's Café, Inc. d/b/a Euphoria Lounge

Mr. Jose G. Borges, Jr., Owner

289 Acushnet Avenue

Closed/Fire 01/26/15 – Ongoing Renovations

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

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

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

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

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

Minutes of 07/27/15 Meeting

Present: Jose Borges, Jr., Owner/Manager

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

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

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

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

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

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

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

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

Present: *Licensee did not appear as requested.*

The Board instructed Mr. Nanopoulos to re-notify Mr. Borges for September 21st meeting.

ACTION TAKEN: --None--

NOTE: In attendance were Danny Romanowicz, Commissioner of Buildings, and Mr. William Whalen, who’s currently

the owner of the abutting parking lot, which is contiguous to the property owned by Mr. Borges to the south and west of the building. At the request of Chairman Beauregard, both Mr. Romanowicz and Mr. Whalen agreed to address any concerns that they or the Board may have regarding the ongoing renovations as a result of a fire earlier in the year. The discussion was limited to the changes in means of egress to the building.

Present: Atty. Edward J. Sylvia along with Jose G. Borges, Jr., Owner; Danny R. Romanowicz, Commissioner of Buildings.

Mr. Nanopoulos informed the Board that this was a continuance of a renewal hearing on an inactive liquor license, which has been closed since January 26th of this year due to a fire. Mr. Nanopoulos also informed Atty. Sylvia and Mr. Borges that both Mr. Romanowicz and Mr. Whalen attended the last meeting, one that Mr. Borges was requested to attend but did not appear; and that they informed the Board of their concerns regarding the rear exit of the building, which leads onto Mr. Whalen's property. Mr. Nanopoulos stated that there are two issues that need to be addressed by the licensee to allow for his license to be released back to him to allow him to re-open, the first being the a change of officer must be submitted (Treasurer) and the second being a change of description, both of which must be approved by this Board and the ABCC; adding that the process could take 6-8 weeks from the date of the application being submitted to this office.

The matter was discussed at length with input from Atty. Sylvia, Mr. Romanowicz, and Mr. Borges, as well as from members of the Board. Atty. Sylvia stated that his client was now prepared to do what he needed to do to comply with what was required of him to get a final set of plans approved in order to submit the required application to the Board for approval.

Mr. Romanowicz stated that he had met with Atty. Sylvia and Mr. Borges to assist them in finalizing a set of plans that meets the code and is acceptable to the Licensing Board, and also does not infringe on Mr. Whalen's property line.

When asked by Mr. Nanopoulos as to how long the process would take to have a final set of plans approved, Mr. Romanowicz responded that it would probably take 2-3 months, due to the fact that Mr. Borges would have to apply for a variance in Boston.

The following written decision was sent to Mr. Borges and Atty. Sylvia on September 25, 2015:

As a result of the open hearing held on September 21, 2015 to determine the status of your annual liquor license for the year 2015, and to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2016 renewal application; this Board voted unanimously to approve your 2016 renewal, and to table the matter until the Licensing Board's January 2016 meeting.

The Board's decision to renew your 2016 application and table the matter to January was made in order to give you ample time to resolve all outstanding issues regarding the changes you've made to your establishment, as a result of a fire in January of this year.

As stated at the meeting, it's imperative that you resolve all outstanding issues in a timely manner, in order for you to submit an application to alter the premises based on the renovations you have made.

Based on the information you provided to this office, an application must be submitted that addresses the following:

1. Change of Corporate Name
2. Change of License Type (From a Sec. 12 General on Premise to a Sec. 12 Restaurant)
3. Change (Altering) of Premises
4. Change of Officer (Treasurer)
5. Change of d/b/a

As well as any other changes you wish to make.

I would strongly suggest that you prepare an application addressing any changes you wish to make, and submit it to me as soon as possible in order for me to review it to a point where we are just awaiting the final approved plans; once I receive the final approved plans, I will prepare the description, which will be the final piece of the application.

If you fail to address these issues in a timely manner, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

VOTED: Commissioner Craig made a motion to remove Item #12 from the table. – **Unanimous**

Tabled of 03/23/15 Meeting

12. Hearing: De Abreu & Sons, Inc.

d/b/a Fortuna Grill

Mr. Manuel De Abreu Dos Reis, Owner/Manager

288 Union Street

Closed 07/01/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is,

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

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

Minutes 03/23/15 Meeting

As a result of the hearing to determine the status of your liquor license, this Board voted unanimously to put you on notice of the following:

That as the holder of an inactive license, you are hereby notified that you have until **September 1, 2015** to initiate one of the following three options:

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

As discussed, your failure to initiate one of these three options will require you to appear before this Board at our September meeting at which time the Board will take action to cancel (revoke) your license for non-use as allowed under Ch. 138, sec. 77. *(The licensing authorities may, after hearing or reasonable opportunity there-fore, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)*

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

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

Present: No One was required to appear

Mr. Nanopoulos informed the Board that Mr. Dos Reis’s son had dropped a copy of a P & S Agreement for the sale of the property and liquor license; and that he informed Mr. Dos Reis that an application for transfer must be submitted by October 26th, and that the matter would be tabled at tonight’s meeting; and recommended to the Board that the matter be tabled to the November meeting.

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

13. Hearing: Vila Franca. Do Campo, Inc. d/b/a

Vila Franca Restaurant Cafe

Mr. Carlos A. Santos, President

601 Second Street

Closed 08/28/15

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 All Alcoholic Beverages License.

Present: Carlos A. Santos, Owner

When asked by Commissioner Almeida as to what his plans were with regard to his liquor license, Mr. Santos stated that it was his intention to sell the license with the business, and that he was prepared to sign the renewal in November, and pay for the renewal fee in December.

Mr. Santos stated that he would need a good 6 months to a year to sell the business, but if he couldn't, he would re-open. Mr. Nanopoulos reminded the Board that the ABCC's policy regarding pocket licenses was 6 months, and suggested that the matter be tabled to the June meeting, which would give Mr. Santos 8 months to sell the license, which was more than a 'reasonable' amount of time to find a buyer.

Voted: On a motion by Commissioner Craig, the Board voted unanimously to table the matter to the June 2016 meeting.

VOTED: Commissioner Almeida made a motion to take up **Item #'s 14 - 24** at one time; waive reading; and approve the applications as presented – **Unanimous**

14. 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, September 19, 2015 from 4:00 p.m. until 7:00 p.m.** (Final approval will require Liquor Liability with the City named as additionally insured.)

****Re-Scheduled from 08/22/15****

15. APPLICATION, (No Representation Required)

Friendly Sons of St. Patrick, Bruce Oliveira, Treasurer, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Rededication Reception', to be held at the **Irish Monument**, located at **1478 East Rodney French Boulevard**; and to be held on **Sunday, September 20, 2015 from 1:00 p.m. until 5:00 p.m.** (Final approval will require Liquor Liability with the City named as additionally insured.)

16. 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 Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Friday, September 25, 2015, from 6:00 p.m. until 11:45 p.m.**

17. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Manuel Da Fonte, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Harvest Dinner' to be held at the 'Club', located at **2056 Acushnet Avenue**; and to be held on **Saturday, September 26, 2015 from 6:00 p.m. until 11:00 p.m.**

18. APPLICATION, (No Representation Required)

New Bedford Area Chamber of Commerce, Rebecca Laliberte, Communications Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Business After Hours', which will be held at the **Buttonwood Park Zoo** on **Thursday, October 1, 2015 from 5:30 p.m. until 7:30 p.m.** (Final approval will require Liquor Liability with the City named as additionally insured.)

19. APPLICATION, (No Representation Required)

Group Folkloric Madeirense, Michael Canastra, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Saturday, October 3, 2015 from 6:00 p.m. until 11:45 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

20. APPLICATION, (No Representation Required)

Carl Lee Pacheco Scholarship Fund Committee, Chanda Coutinho, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser Dinner', to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Saturday, October 10, 2015 from 6:00 p.m. until 11:00 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

21. 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 Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Saturday, October 10, 2015, from 6:00 p.m. until 11:45 p.m.**

22. APPLICATION, (No Representation Required)

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager, who is requesting approval of an

application for a **Special One-Day All Alcoholic Beverages License** for a 'Great Pumpkin Beer Fest' to be held **within Wing's Court**, and to be held on **Sunday, October 11, 2015, from 12:00 p.m. until 6:00 p.m.**

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

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

23. 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 Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Tuesday, October 13, 2015, from 6:00 p.m. until 11:45 p.m.**

24. 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 Lounge Fundraiser' to be held in the "**Penler Space**", located at **686 Purchase Street**, and to be held on **Sunday, October 25, 2015, from 11:00 a.m. until 11:45 p.m.**

25. Hearing Nuno's Auto Center, Inc.

Mr. Nuno M. Barreira, Licensee

413 Ashley Boulevard

Your presence is requested at a hearing to be held in this office because of your failure to maintain your premises in accordance with requirements of a Motor Vehicle Class II license. Based on the findings, the Licensing Board may take action to revoke your license. The hearing is being held at the request of the Commissioner of Buildings because of your failure to comply with their request to stop performing motor vehicle work outside as well as your less than respectful interactions with the Building Inspector assigned to your area.

Be advised, all licensees must maintain a facility dedicated to carrying out said business and all licensees must adhere to all conditions of the issued license.

Present: Nuno M. Barreira, Licensee; Danny Romanowicz, Commissioner of Buildings along with Joseph Kaufman and Carl Bizarro, Building Inspectors

The Board heard testimony from Mr. Barreira, Mr. Romanowicz, Mr. Kaufman, and Mr. Bizarro, with regard to the complaint filed by the Office of Inspectional Services, as a result of work being conducted outside of the approved repair area; as well as on a complaint of less than respectful behavior by the licensee towards the Inspector assigned to the area.

The following written decision was sent to Mr. Barreira on September 22, 2015:

Per the public hearing of September 21, 2015, this Board found you in violation by failing to operate a facility in a manner required of a Motor Vehicle Class II licensee. Specifically, the Board, as well as the Commissioner of Buildings has concerns with auto repairs being conducted outside the confines of your building as well as the storage of partial or dismantled vehicles in your lot which has created an unsafe situation.

As a result of the testimony presented, the Board voted unanimously to demand that all dismantled vehicles be removed within two (2) days and instructed the Building Department to do a follow-up inspection on Thursday, September 24, 2015.

Failure to comply with the Board's decision will result in the immediate revocation of your Motor Vehicle Class II license.

A copy of the rules and regulations regarding the requirements of holding a Class II license was also attached.

Note: The car was removed by the deadline as ordered.

26. APPLICATION, *Special Permit Required From City Council*****

Saed Dib, who resides at **414 Birchwood Drive, North Providence, R.I.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Clear Auto Sales 2, Inc.**, with premises situated at **832 Rockdale Avenue**.

Note: Applicant is also the holder of a Class II license located at **297 Belleville Avenue (Clear Automotive, Inc.)**.

Final approval of the Motor Vehicle Class II License will require a '**Change of Tenant**' from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

Present: Saed Dib, Applicant

Mr. Nanopoulos informed the Board that the proposed new location requires city Council approval for a Special Permit for used cars sales at that location, therefore, if the Board were to approve the application as presented, the Board's vote would have to include the stipulation, "Pending City Council Approval"; and the amount of cars for display will be set by Inspectional Services.

Responding to questions from Commissioner Almeida, Mr. Dib stated that this would be a second location for him and that he also has a lot located at 297 Belleville Avenue; and that the repairs would be done on site.

Voted: Commissioner Craig made a motion to approve the application as presented pending City Council approval, with the amount of cars to be determined by Inspectional Services. – **Unanimous**

NOTE: Mr. Nanopoulos reminded Mr. Dib that all remaining cars must be removed from the lot immediately, and that no cars should be stored on the lot until such a time that a MV Class II license has been issued for that location.

27. Meeting: Candleworks Ventures, LLC

Mr. Andrew F. Rockett, Manager of LLC
72 North Water Street – 3rd Floor

Your presence is requested at a meeting to determine the status of your pending Purchase and Sale Agreement with Tane Corporation d/b/a Octane Sports Bar for the purchase of their Common Victualler All Alcohol license, which was signed in June of 2014; as well as to update the Board as to what your plans are for the transfer of said license.

Issue Summary

- On August 6, 2015, I sent the following by e-mail to your legal counsel:

“Please be advised that your client has no legal rights to this license until such a time as an application for a transfer has been approved by the local licensing authority and the ABCC. The Board tabled the renewal hearing on this license until the Board’s November meeting; be advised, **if the Board chooses not to allow the renewal by the current license holder or if the current license holder chooses not to sign the renewal or pay the renewal fee, the license ceases to exist.** I would strongly urge your client to submit an application for a transfer to the Seafire space in his name for the September meeting, which must be submitted by Sept. 1st, if he has not found someone to use the license at that location, which would give him the legal rights to the license moving forward and would start the clock again on the license. This has been ongoing far too long, and it has put the license at risk of being lost to the city but the city cannot condone a license being inactive for so long, as it sets an unacceptable precedent going forward. The ABCC monitors the status of inactive licenses, and they have a policy against “pocket” licenses.”

- Upon being contacted by Atty. John Markey, Asst. City Solicitor, Atty. Peabody e-mailed the following response back to me, also on August 6, 2015:

“Nick – I will have my client call you directly. We had planned to transfer the license to the new restaurant tenant, but they decided to not pursue the Candleworks location.”

- On August 20, 2015, I followed-up with this e-mail to your legal counsel:

“Please be advised that I have not had any contact with anyone regarding this issue. I would like to give fair warning to those involved, if this matter is not resolved prior to November 1st, this license may not be renewed by the Board. This license has been inactive for far too long, at the very least, it should be transferred to the Seafire space in Mr. Rockett’s name. Allowing a license to be inactive this long sets a bad precedent, and one that we don’t want to go back to after getting it under control several years ago.”

- Atty. Peabody e-mailed the following response to me, also on August 20, 2015:

“Fair warning Nick, I have been advised that my client (Mr. Rockett) will be in direct communication with you.”

- This office has yet to be contacted nor has an application been submitted.

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

Present: No one appeared as requested.

Mr. Nanopoulos informed the Board that Mr. Rockett and his Attorney were both properly notified, and recommended that the matter be tabled to the October meeting, and that Mr. Rockett be re-notified

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

NOTE: The current licensee, Mr. Claudio Cabral, was present and stated when asked by Mr. Nanopoulos, that he was prepared to sign the renewal in November and that either he or Mr. Rockett would pay the renewal fee in December.

VOTED: Commissioner Craig made a motion to remove Item #28 from the table. – **Unanimous**

Tabled at 08/24/15 Meeting

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

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

Your presence and that of **Paul Vasconcelos** is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission (ABCC) Regulations and Licensing Board Rules and

Regulations. Based on their findings, the Licensing Board may take action to suspend your license until this matter is resolved.

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 6,

Each Corporate Licensee shall appoint a Manager who shall have full authority and control of the premises and who shall be satisfactory to the Board; immediate notice of the appointment must be made to the Board in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Almeida recommended that Mr. Barreira open up and Mr. Camara close, so that proper management is in place during those late night hours, especially at closing time, which is when these reports are coming in; adding, that's

when you should be there until you get a new manager approved.
Mr. Camara assured the Board that the change would be made.
Mr. Nanopoulos once again instructed Mr. Camara to get the 'new' change of manager application in as soon as possible.

- **CORRESPONDENCE**

From: United Credit Services, Inc. **Dated -09/16/15** **Received -**
09/18/15

Re: Lobo's Lounge, Inc. d/b/a Washington Sq. Package Store **281 County Street**
Lien/Hold on Liquor License

This establishment owes J. Polep, \$11,263.54, and requests that a lien or hold be placed against the liquor license for renewal or transfer until this debt is paid off.

****LATE FILE****

ACTION TAKEN: Received & Placed on File.

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Tilia's Café & Restaurant	#15 – 11055-OF	08/29/15	Disturbance/Patrons Assaulted/ Ordinance sec. 15-96 Violation (Approximate Time of Violation 2:18 a.m.)

Decision: Bring In For a Hearing – 10/19/15

***** LATE FILES*****

- Friendly Liquors #15 – 12102-OF 09/19/15 **Serving Intoxicated Person**
(Approximate Time of Violation 9:17 p.m.)

Decision: Receive & Place on File with a Warning Letter

- Temptations #15 – 12063-OF 09/19/15 **Disturbance/Patron Stabbed**
(Approximate Time of Violation 2:12 a.m.)

Decision: Bring In For a Hearing – 10/19/15 - (Per Chairman Beauregard)

- Jalice Café #15 – 12062-OF 09/19/15 **Disturbance/Patron Assaulted**
(Approximate Time of Violation 1:44 a.m.)

Decision: Receive & Place on File with a Warning Letter

- Sixth Bristol Social Club #15 – 12110-OF 09/20/15 **Disturbance/Patron Assaulted**
(Approximate Time of Violation 1:35 a.m.)

Decision: Bring In For a Hearing – 10/19/15

- **NEXT TWO MEETING DATES:** Monday, October 19th & Monday November 16th both in Room 314 - **Approved**

- **MEETING ADJOURNED:** 8:22 p.m.