



Licensing Board

October 19, 2015 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

PRESENT: Steven A. Beauregard, Chairman

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 September 21, 2015 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

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**.

Approved By ABCC – 09/29/15

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

Approved By ABCC – 10/06/15

Transfer & Change of Location - Trans. # 083– Plot # 53—102 – “LATE FILE”

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**’.

Approved By ABCC – 10/09/15

Change of Officers & Directors - Trans. # 008 – Plot # 42—183 - “LATE FILE”

New Cape Verdean Ultramarine Band Club, Inc., Ramona Silva, (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, Ramona Silva will be the President and Cassia Gage will be the Treasurer and Secretary; and Marie Sparks and Deborah Clark will be Co-Directors. Premises will remain the same at **185 Acushnet Avenue**.

Approved By ABCC – 10/14/15

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, & 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**.

Disapproved By ABCC – 10/08/15 - Failure to Comply With Mass Tax Laws (DUA) – 2nd Attempt (4th Overall)

VOTED: To accept the application back from the ABCC, and to re-submit the application to the ABCC “for reconsideration”, only upon notice from the applicant that all DUA issues have been resolved; and request that they appear at the Board’s November 16th meeting. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove Item # 1 from the table. – **Unanimous**

Tabled at 09/21/15 Meeting

1. 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

Minutes of the 09/21/15 Meeting

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 used 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 a party there in which the kids play for an hour or two ... they rent the facility for 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 and 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**

Present: Atty. Michael Medeiros along with Isaias M. Furtado, Buyer

Chairman Beauregard opened the hearing on the petition by asking Atty. Medeiros to explain what his client was proposing due to the fact that he was not present at the last meeting due to a prior commitment.

Atty. Medeiros re-stated his client's plan as to how the license would be used, as noted in the 09/21/15 Minutes above, as well as reviewing the plans that were submitted showing the layout of the facility; and that the alcohol would be served out of the snack bar area. He also stated that his hours of operation were going to be Monday through Thursday from 10:00 a.m. until 11:00 p.m., and Friday and Saturday from 10:00 a.m. until 12:00 a.m. (Midnight); and on Sunday from 11:00 a.m. until 11:00 p.m.

Atty. Medeiros also stated that his client was involved with the Sporting Soccer Club on Beetle Street, which had a liquor license; and that he was not currently T.I.P.S. Certified, but he planned to get certified, if he's approved. With regard to the stated hours of operation, Chairman Beauregard asked, how late does the rental of the soccer field area extend?

Atty. Medeiros responded, I think it goes until 11 o'clock on weekend nights, which was confirmed by Mr. Furtado who stated, I don't have teams yet but the latest would be 11 o'clock.

When questioned by Chairman Beauregard as to who and under what circumstances would the alcohol be served, Atty. Medeiros stated, it's not going to be advertised as a bar ... it would be served to those persons who are coming in to use the soccer facility ... to play soccer ... or some sport at the facility ... the intention is not to solicit business to have people just come in and drink ... that's not what the purpose is.

Atty. Medeiros also stated that there is another facility in the city that is a soccer facility, which has a beer and wine license, and that his client is petitioning for the transfer of the license in order for him to be able to compete fairly for the market share.

When asked by Chairman Beauregard if all the sale and consumption of alcohol would stay in the room where the bar is, Atty. Medeiros responded, it's not really a bar ... it's a snack bar area.

Chairman Beauregard informed Atty. Medeiros that he did a walkthrough and he observed a full fledged bar inside the room.

Mr. Furtado confirmed that there was a bar in that room, and that it's the bar that was in the Sporting Soccer Club on Beetle St.

In an attempt to clarify in which room he observed the bar, Chairman Beauregard stated, it was the room with the empty beer bottles in it, to which Mr. Furtado responded, the one with the (keg) pump in it ... nobody leaves that space.

Chairman Beauregard responded, if approved, I don't want anything leaving that room.

Atty. Medeiros responded, I haven't been to this location in probably a good eight months ... so the room you're discussing about with him ... I'm not sure exactly what that is ... if you want to designate it on this map ... we'd be more than glad to do so ... so it can be limited to that area ... if you're okay with that.

Chairman Beauregard responded, it's not even on the map ... but if you're saying it's the snack bar area as indicated on the map ... then it's not drawn to scale ... it's a huge room ... it can fit 75-80 people in that room alone

Atty. Medeiros responded, and that's the area that you want to designate? To which Chairman Beauregard responded, yes!

When asked by Commissioner Craig if the (snack Bar) area being discussed, where the alcohol would be sold and consumed, was petitioned off, Mr. Furtado stated that it was.

Prior to making his motion, Commissioner Almeida stated, I don't want to stop a business from going on but I want to make sure that we have certain stipulations in place as to where the alcohol will be served and consumed, and that Mr. Furtado and his staff are T.I.P.S. Certified.

Atty. Markey offered the following to the Board with regard to the area being discussed:

It appears what you're talking about is slightly different to what was originally presented because it was originally presented as a 20,000 sq. ft. building; so you might need a more detailed plan because the ABCC may want to get it the way you want to approve it, rather than the way it was originally presented; if it goes to Boston, I don't want it to come back.

Atty. Medeiros conferred with his client in Portuguese to ensure that he understood what the Board was proposing as a stipulation, with regard to the alcohol being served and consumed only in the enclosed snack bar

area, and no other; to which Mr. Furtado stated he understood and agreed to the stipulation through his Attorney.

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

1. That Mr. Furtado 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;
2. That all beer and wine **must be served and consumed only within the enclosed snack bar area, and in no other area**; it is the responsibility of the licensee to have staff on duty to ensure that alcohol does not leave the designated area. – **Unanimous**

NOTE: Mr. Nanopoulos reminded Mr. Furtado that alcohol was not permitted on the premises until such a time as his license has been approved and issued to him; and that he would be called once the approval was received.

2. PETITION - Trans. # 118 – Plot # 47-45-A

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

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department and a signed ‘**Fire & Building Certificate**’ as required under the Chapter 304 Fire Acts Compliance.

Application has been advertised; Abutters have been notified.

Present: Justin LaCroix, Manager

Responding to questions from Chairman Beauregard, Mr. LaCroix stated that the area would be used for a VIP Members Lounge area on show nights or for special events that we may do associated with the theatre; and that the alcohol would be served from the existing bar in the lobby as well as from a satellite bar that will be set up in that room; and that there is now a break through the wall which is located right next to the existing wall; and the storage of the alcohol will remain as is.

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. # 079– Plot # 121-37-B

Johnson Turf & Golf Management, Inc. d/b/a Whaling City Golf Course, Kelly K. Laramee, Clerk, who is requesting a **Change of Officers, Director, Stockholder, Manager, and the Transfer of all the Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**; and a **Change of Corporate Name to Johnson Golf Management, Inc.** Upon approval, Kelley J. Laramee will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100) by virtue of devise by will of father, Douglas Johnson (Deceased); and **Brian K. Ramos** will be the **New Manager**. **Premises will remain the same at 581 Hathaway Road.**

Application has been advertised; Abutters’ notification not required.

Present: Kelly J. Laramee, Sole Officer. Owner along with Brian K. Ramos, Proposed New Manager

Responding to questions from Chairman Beauregard, Ms. Laramee stated that there would not be any changes to the premises, and that the changes that are being proposed are a result of the passing of her father (Douglas Johnson), who at the time of his death was the sole officer, sole director, sole stockholder, and manager; and that he had changed the corporate name with the Secretary of State in 2003 but it was never filed with the ABCC.

When asked by Chairman Beauregard as to what experience he had in managing a bar or a restaurant, Mr. Ramos stated that he didn’t have any experience in running a bar or a restaurant but he’s been basically a manager his whole life; but as far as bar experience, I’ve never been a bartender but I’ve been a manager at Johnson Golf for 17 years; so basically my scope of responsibility is going to be changing from not only the

outside but also inside of the bar as well.

To which Chairman Beaugard responded, the inside is the important part, that's where you'll be serving alcohol; to which Mr. Ramos responded, I'm 100% aware of that.

Chairman Beaugard continued his comments, it's a big bar ... it's a big restaurant area ... although you may be aware of it ... my concern is that you don't have the restaurant experience to manage the service of alcohol.

When asked by Chairman Beaugard to explain what his 17 years of management experience was related to, to which Mr. Ramos responded, I'm the manager of the golf course ... I take care of the daily responsibilities of everything that happens on the golf course.

When asked by Chairman Beaugard if they were now going to bring him inside, Mr. Ramos responded, inside and outside.

When asked by Chairman Beaugard as to how he planned to manage the restaurant inside when he is outside, to which Mr. Ramos responded, I'm at the facility all day long ... I'm there 6-7 days a week ... so I have assistants that take care of the outside ... and I'll have people that will help with the inside ... and I'll be overseeing everything ... and everybody that is currently working in the inside is T.I.P.S. Certified ... and I'm in the process of getting certified.

Voted: On a motion by Commissioner Almeida, the Board voted 2-1 with Chairman Beaugard opposed (citing a lack of experience for a facility of that size), 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. Ramos 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.

4. PETITION - Trans. # 230- Plot # 116--7

Irmandade do Divino Espirito Santo do Pico, Inc., which is petitioning for a **New Club (Non-Profit) All Alcoholic Beverages** license, under a **Commonwealth of Massachusetts Special Legislation – Chapter 194 of the Acts of 2014**. Upon approval, Manuel Sequeira will be the President and a Co-Director, Manuel G. Dafonte will be the Vice-President and a Co-Director, Lourdes Limos will be the Treasurer and a Co-Director, Joseph Xavier will be the 2nd Treasurer and Co-Director, Fatima T. Dafonte will be the Secretary and a Co-Director; and Margarida Sequeira, Norberto Evangel, and Amerindian Costa will all be Co-Directors. **Ernesto Oliveira** is the **Proposed Manager**. The new licensed premise consists of One (1) room approximately 5,522 sq. ft. on the first floor of a One (1) story building, which will be used as a Function Room and will include seating for approximately 224 patrons, a stage, a service bar, two storage rooms, and two handicapped accessible restrooms; and an additional room approximately 5,522 sq. ft in the basement, which will be used as a 'Club' area that will include seating for approximately 144 patrons, a kitchen area with a storage cooler, a service bar, two storage rooms, and three handicapped accessible restrooms.

The main entrance/exit into club is located on the west side of the building onto Acushnet Avenue with an additional entrance/exit on the north side of the building that leads into the parking lot, and an additional emergency exit on the east side of the building. The basement area is accessible through the main entrance, as well as by way of a second stairway from the first floor on the south side of the building, which also includes two additional emergency exits. Premise is located on the east side of Acushnet Avenue between Wood and Sylvia Streets, and will be numbered **2056 Acushnet Avenue**.

(Note: Until such a time as the sprinkler installation project is complete, the applicant will hire details from the N.B. Fire Dept. when the occupancy will exceed 99 individuals, per order of the Commissioner of Buildings.)

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. Christopher T. Saunders along with Manuel Sequeira, President and Ernesto Oliveira, Proposed New Manager; Armando Pereira & Mike Vieira, Spoke in Favor; James D. Oliveira, Ward 1 City Councilor, Recorded in Favor; Representative for & tenant of Jose Duarte, 155 Sylvia St. & Renate Oliver,

167 Sylvia St., Spoke in Opposition.

Mr. Nanopoulos read into the record an e-mail that was received earlier in the day from Councilor Oliveira, who stated that he wanted to be recorded in favor of the petition, which the Board voted unanimously to receive and place on file.

Responding to questions from Chairman Beauregard, Atty. Saunders stated on behalf of his clients that they were applying for a Club All Alcoholic Beverage license that was created for them through Special Legislation that was passed in 2014, which would allow them to operate for members only and for members and their guests ... what they're proposing to do is to have a function hall for their members whether it be a baby shower ... wedding shower ... or just a members' party ... it's geared more toward adults themed parties ... they're not going to have "sweet 16" parties ... they have what I would say is a proven track record ... when they have had in the past 10 years events on a one-day license ... they really had no incidents ... they have had Police Details for certain events ... as well as Fire Details for certain events because they're currently not sprinkled ... but they do have bids out now to get a sprinkler system ... and they will comply with the fire detail requirement, if they're going to exceed their capacity of 99 ... but they've really been incident free ... it's a religious type organization ... they plan on having religious type functions.

Atty. Saunders continued his presentation by stating, but there will be times when they have non-members and that will be when they have their annual festival, as they've had in the past ... they understand that the license is for building only ... and they understand that if they want to have their festivals in the parking lot ... they will have to apply for a one-day license and come before the Board ... and that would be the only time that non-members would be invited ... it's going to be rented on a case by case basis ... they have what they call a committee ... which is really the Board of Directors of the non-profit corporation ... who will decide on a case by case basis whether a member and a particular function is appropriate for this religious organization.

Atty. Saunders concluded his remarks by stating, Mr. Ernesto Oliveira will be the manager ... he has experience ... he previously lived up around the Peabody area ... at which time he was involved for over 10 years with a similar type non-profit organization ... where he had been a bartender ... security ... on the Board of Directors ... and in turn was involved in scheduling events ... when they've had the one-day licenses before this Board in the past ... Ernesto Oliveira has been present at all times ... and with me today are a number of officers of that organization ... when functions occur ... club officers will be there and be responsible.

When asked about the hours of operation and if it would only be open for functions, and if it would be for club use only, or would it be open to the public, by Chairman Beauregard, Atty. Saunders stated that the bar would be open during normal hours of operation, which would be from 8:00 a.m. until 2 a.m. Monday through Saturday, and from 11:00 a.m. until 2 a.m. on Sunday; but food service will only be provided for functions or on Fridays and Friday evenings ... late afternoon ... they may have some limited food service but the bar is going to be open 7 days a week ... and that will be for members only and their guests.

When asked by Chairman Beauregard if it was their intention to be open until 2 a.m., Atty. Saunders responded, yes.

When asked by Chairman Beauregard to address the issue of entertainment, Atty. Saunders stated, that they don't plan on having any entertainment on a regular basis ... but if a member wanted to have a function on a Friday night and they had something that would require a DJ or a Band ... then as a committee or Board of Directors ... they would vote on if that's appropriate and that type of entertainment is appropriate ... and if police details were required ... and if Police Details were required based on the type of entertainment ... then that would be passed along to the member and they would know that when they rented it ... and they would have to secure a police detail ... but there are certainly some types of entertainment that don't require a police detail ... and that would be determined on a case by case basis ... but it won't be every Friday or Saturday night where there'll be a band or a function ... there could be a Friday or Saturday night where there's nothing in the function hall ... where it's simply the bar ... could there be a jukebox in the bar area? ... That's to be determined ... but that would only be someone going in and putting a couple of dollars in the jukebox and playing some music.

Responding to questions from Chairman Beauregard, Mr. Oliveira stated that he assisted with a club in Peabody and that he currently lives in Attleboro, and that he would be on site from 6 p.m.

When asked by Chairman Beauregard if that would be every day, Mr. Oliveira responded, it can be.

When asked by Chairman Beauregard if he would be there every Friday and Saturday nights, and on those nights when they have functions, Mr. Oliveira stated that he would be on site.

When asked by Commissioner Almeida if he was the bar manager at the club in Peabody or just a helper, Mr. Oliveira stated that he was just a helper; to which Commissioner Almeida responded, so you have no experience as a bar manager?

Mr. Oliveira responded, I worked with the other people in charge.

Chairman Beauregard responded it's a big place to manage without experience.

Mr. Oliveira responded, the one in Peabody was bigger ... it's bigger than this one... their kitchen was open 6 days a week.

When asked by Commissioner Craig if he was T.I.P.S. Certified, Atty. Saunders responded on behalf of his client, I can tell you that they're not T.I.P.S. Certified but he will be, as well as all of the staff.

When asked by Commissioner Almeida if he was aware of the rules and regulations with regard to the renting of the hall, Atty. Saunders responded, the renting of the hall will be voted on (handled) by the committee; the manager is not on the Board of Directors, so when the hall is rented by a member of the club, it will be put to the committee as to whether or not it's a appropriate function for that establishment.

When asked by Commissioner Almeida if the function hall would only be rented to club members, Atty. Saunders stated: "members or their guests ... but if you're not a member nor do you not know a member ... you can't go in there ... you can't rent it."

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, to which Armando Pereira was recognized.

Mr. Pereira stated that he was a member of the organization and served on the Board of Directors, and re-iterated what Atty. Saunders stated earlier that the club has never had any issues and that it was steep in heritage.

Next to be recognized was Mike Vieira, a direct abutter, who stated that this club came before different Boards 10 years ago and they made promises as to how they would keep up the property and what they would do to it, and they've been nothing but honorable neighbors; I don't know any club members personally ... I do not belong to the club ... but I'm an adjacent property owner ... there's nothing out of place on that property ... so I would be in full favor of the license being granted.

Chairman Beauregard then asked if there was anyone else present who wanted to speak in favor of the petition, upon seeing and hearing none; Chairman Beauregard then asked if there was anyone present who wanted to be recorded in favor of this petition, upon seeing and hearing none; Chairman Beauregard then asked if there was anyone present who wanted to speak or be recorded in opposition to this petition, to which several people raised their hands to speak.

First to be recognized by Chairman Beauregard was a tenant (name not audible on tape) of 155 Sylvia Street, who was present to speak on behalf of Mr. Jose Duarte, Property Owner of 155 Sylvia Street, as well as her own concerns.

The following concerns were expressed on behalf of Mr. Duarte:

- That the Santo do Pico was Brotherhood; was not a 'club' but rather a Brotherhood.
- He had no concern with temporary liquor licenses for events for members, weddings, anniversaries but the club initially told the neighbors that they would not be applying for a permanent liquor license when they went before the City Council.

The tenant also voiced her concerns as follows:

- She stated that there were some liquor violations in the past.
- There also have been some minor issues with their festival such as parking issues ... blocking fire hydrants.
- She also stated that she is a business owner at that address, and she had concerns regarding noise and them being in there until 2:00 a.m.

Next to be recognized by Chairman Beauregard was Renate Oliver of 167 Sylvia Street, who commended the organization on the work that they've done on the building but stated she had some questions.

When she asked what the hours of operation of the 'club' would be, Atty. Saunders responded, Atty. William stated that the bar would be open during normal hours of operation, which would be from 8:00 a.m. until 2 a.m. Monday through Saturday, and from 11:00 a.m. until 2 a.m. on Sunday.

Ms. Oliver stated that the reason that she's really concerned about that was because two of the bedrooms in her house are no further away, especially from the back steps, maybe than the length of this room.

Ms. Oliver also stated that she had concerns that the 'club' would be open until 2 a.m. every single day.

Ms. Oliver also stated that any noise coming from the inside is muffled but the problem is when people are outside talking in a loud manner, which she fears that she may have to hear until 2 a.m.

Ms. Oliver asked if there was some way they could address that, especially for that exit, stating that was her real concern.

When asked by Ms. Oliver if the license could be transferred, to someone else, Chairman Beauregard informed Ms. Oliver that the license is a 'Special Legislation', so therefore, it cannot be transferrable to anyone else, and that it could only be issued to this organization; and it would cease to exist if this organization disbanded.

Ms. Oliver then re-iterated her main concern, which was the noise emanating from people just talking to each other.

Atty. Saunders responded to Ms. Oliver's concerns by stating, when they have the festivals ... they are allowed to be outside ... but if this Board were to grant this license ... they could not serve alcohol outside of the building ... they cannot bring any alcohol outside ... so there won't be people outside ... there would not be any reason for them to be outside being loud and talking ... these functions that are inside ... that have been held in past are religious functions ... they will continue to be religious functions ... or family related functions ... where the intent is not to be loud and obnoxious ... I think they've tried to fit in ... in the neighborhood ... and appease the neighbors ... and I think they're going to continue to do this ... so that's why ... when they do have their functions ... the committee for the this non-profit corporation ... will decide on a case by case basis to determine whether or not a function is appropriate for this venue ... if someone comes in and says they want to hold a 'sweet sixteen' party for my daughter and we're going to have 200 sixteen year old kids there ... granted they won't be served alcohol ... but that just has a recipe for disaster ... that will have fights ... that will have people getting out of control ... and that's something they don't want ... now, are they going to have a baby shower on a Sunday afternoon where someone may want wine ... yeah, they're going to allow that ... are they going to be obnoxious to the neighbors ... no!! ... It's going to be on a family oriented case by case basis ... they understand where you live ... they understand that you're a neighbor ... and they want to help and work with you.

The issue of the hours was raised once again by the neighbors, to whom Atty. Saunders responded, those are the hours on the license ... but that doesn't mean that they're going to have a band there every night.

The neighbors stated that their concern was with patrons leaving the 'club' at 2 a.m. and with patrons going outside to smoke; as well as patrons congregating in the parking lot.

When asked by Ms. Oliver as to what re-course they would have if there were any issues, Chairman Beauregard responded if there are any issues, it would come back before this Board ... if there are ... you should call the police department ... and they'll send us a police report and we'll bring them in for a hearing.

Chairman Beauregard once again asked if there was anyone present who wanted to speak or be recorded in opposition to this petition; upon hearing and seeing none, Chairman Beauregard closed that portion of the hearing and called for a motion.

On Commissioner Almeida's motion to approve the application as presented, Chairman Beauregard stated the following to the neighbors who spoke in opposition:

I will tell you that we take your concerns very seriously and that we have been out there on a couple of occasions to meet with these gentlemen to look the site over pretty extensively ... and we have assurances that you're not going to see anything different now then what you're going to experience in the future ... and if there is ... we'll certainly be here to take recourse as we do with any other establishment in the City of New Bedford.

When reminded by Mr. Nanopoulos that no further special licenses would be granted until such time as the approval is returned approved, and that there should not be any alcohol stored or served on the premises as well, Atty. Saunders stated that his clients were aware of that.

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

NOTE: The following was included in the written approval notice sent to the proposed licensee on 10/26/15.

The Board would request that you advise your staff and members of the following:

Please be advised that the Licensing Board takes the complaints and concerns of residents of any neighborhood very seriously, and therefore, the members of the Board respectfully request that you monitor your music and noise levels on or about your premises to ensure that it's not at a level that may be a disturbance to your neighbors; as well as a request that you post a sign asking your patrons that when leaving your establishment, they do so in a manner as not to cause a disturbance to your neighbors.

5. PETITION - Trans. # 019 - Plot # 53-68

Tane Corporation d/b/a Octane Sports Bar, Fernanda Carvalho, President, (license formerly exercised on premises located at **1430 Acushnet Avenue**), who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Candleworks Ventures, LLC**. The proposed transferee is also requesting a **Change of Location** to **72 North Water Street**. Upon approval, **Andrew F. Rockett** will be the Sole Manager/Member and Interest Holder (100%) of the LLC, and the **Proposed Manager of the liquor license**.

The "previously" licensed premise will consist of an area approx. 3,280 sq. ft., on the first floor of a four-story building, which will include a dining area and lounge area with a bar, and a kitchen; with two restrooms in the front foyer and an additional area, approx. 750 sq. ft., for the storage of alcohol in the sub-basement. There is also an outdoor patio area, approx. 870 sq. ft., for dining that is contiguous to the main dining room on the north side of the building that is accessible from the dining room. There is one entrance/exit in the front of the building that leads onto North Water St., 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 patio area into the parking lot. Premise is located on the east side of North Water Street between Elm and Rodman Streets, and is numbered **72 North Water 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: Andrew F. Rockett, Applicant along with Carol Robinson, Business Secretary

When asked by Chairman Beaugard as to what his plans were for the license he's asking to move to the former Candleworks site, Mr. Rockett responded, I plan on opening a restaurant.

When asked By Chairman Beaugard as to when he planned on opening, Mr. Rockett responded, in the next month or two.

When asked by Chairman Beaugard as to what experience he's had in the restaurant business, Mr. Rockett responded, I've worked in restaurants and had some experience as a bartender.

When asked by Chairman Beaugard as to what his involvement would be at the Candleworks site, Mr. Rockett responded, I'll be the manager of the restaurant, and that he would be there every day from 6 in the morning until 10 or 11 at night, since that's where my corporate office is located at.

When asked by Chairman Beaugard as to where he resides, Mr. Rockett responded, I live in Duxbury, Ma.

When asked by Chairman Beaugard if he was down every day, Mr. Rockett responded, Every day!

When asked by Commissioner Almeida if he was going to be the bar manager, Mr. Rockett responded, No, I'm going to hire a restaurant manager and a bar manager, as well as a general manager.

Commissioner Almeida then asked for guidance from Atty. Markey by asking, can we approve the application with Mr. Rockett as the manager, although he stated he would be hiring a bar manager?

Atty. Markey responded, you can approve the transfer of the inactive license as it's been presented with a condition that the license cannot be activated until a new bar manager is presented to the Board for its approval, as well as that of the ABCC.

Chairman Beaugard then asked if there was anyone else present who wanted to speak in favor of the petition, upon seeing and hearing none; Chairman Beaugard then asked if there was anyone present who wanted to be recorded in favor of this petition, upon seeing and hearing none; Chairman Beaugard asked if there was anyone present who wanted to speak or be recorded in opposition to this petition; upon hearing and seeing none, Chairman Beaugard closed that portion of the hearing and called for a motion.

Voted: On a motion by Commissioner Almeida, the Board voted 2-1 with Chairman Beauregard opposed (citing a lack of information & experience), 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 an application for a change of manager must be submitted naming a new manager, and that said application must be approved by this Board and the Alcoholic Beverages Control Commission, prior to issuance of the license.

VOTED: Commissioner Almeida made a motion to remove Item # 6 from the table; with no further action to be taken. – **Unanimous**

Tabled at 09/21/15 Meeting

6. 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 does not have 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.

Minutes of 09/21/15 Meeting

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.

7. Hearing: JAKIBRI, LLC d/b/a Kirby's Irish Pub

Mr. Jason Kirby, Co-Owner/Manager

818 Kempton Street

Closed 09/21/15 - Estimated

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.

Violation: Licensing Board Regulation No.20

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

Therefore, **you are required to surrender your license to the Board that evening** until such a time as you have initiated one of the following three options:

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

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

Present: Atty. Christopher T. Saunders along with Jason Kirby and Brian Kirby, Co-Owners

When asked by Mr. Nanopoulos if they had their liquor license with them, as requested by the Board, Atty. Saunders stated that they did not but promised that it would be delivered tomorrow (10/20/15).

Atty. Saunders did present a letter to the Board, which the board voted unanimously to receive and place on file, that stated that his clients have entered negotiations regarding the transfer of its liquor license; and that they anticipate submitting a petition for transfer in the near future.

He also stated that they were prepared to sign the renewal in November and pay for the license in December.

VOTED: Commissioner Almeida made a motion **to table the matter until the Board's June 2016 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 June 1, 2016 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

8. Hearing: Vila Franca Do Campo, Inc. d/b/a Vila Franca Restaurant Cafe

Mr. Carlos A. Santos, President

601 Second Street

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

Issue Summary

It was brought to the attention of this office during its annual review of all our licensee's corporate filings, that there has been a change of officers and directors within your corporation. This issue also occurred in 2014, at which time the Director reviewed this issue with you and instructed you that paperwork needed to be filed with this office for any changes to your corporation, which must be approved by this Board and the Alcoholic Beverages Control Commission.

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

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

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

MGL Chapter 138, sections 12 & 15A-

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

Present: No one appeared as requested.

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

9. Hearing: Pub 6 Social Corp.

d/b/a Pub 6 at the Sixth Bristol

Mr. James F. Pettijean, Manager

736 Ashley Boulevard

Your presence is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations, Licensing Board Rules & Regulations, and City of New Bedford Ordinances. This hearing will focus on an incident that occurred on Sunday, September 20, 2015 at approximately 1:35 a.m., as a result of a patron allegedly being assaulted within the premises; as well as the ongoing complaints that have been received from a neighbor regarding late night disturbances.

Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor 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. 11, 12, 38, 41--

Excessive Hilarity, Noise, Crowds, and Objectionable Persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe; all entertainment shall be so conducted that no noise shall be audible upon any abutting property; the type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board.

New Bedford Code of Ordinances, Ch. 15, sec. 1.2

Any business operating under a Common Victualler license which abuts a residential property shall be subject to a restriction after hearing before the City of New Bedford Licensing Board, **which may restrict the overnight or late night operating hours between the hours of 10:00 p.m. and 7:00 a.m.**, so as not to menace the health or interrupt or disturb the sleep of residents, and said City of New Bedford Licensing Board may restrict or prohibit or otherwise regulate said establishment between said hours. Any residential abutter may request a hearing before said City of New Bedford Licensing Board to seek such a restriction.

Date and time of alleged violations: Sunday, September 20, 2015 @ approximately 1:35 a.m. - Police Report #15-12110-OF

Present: Atty. Joseph Michaud along with James Pettijean, Manager, Robert Morris, Director, and Benjamin Blier, Doorman; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Paul Hodson, Reporting Officer

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

Chairman Beaugard informed Atty. Michaud that the reporting officer was present to read, summarize, or give testimony to what was contained in his report; and at the conclusion of their testimony, the Board would then ask any questions they may have, and then he would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Chairman Beaugard opened the hearing by asking Officer Hodson to either summarize or read his report regarding the incident that occurred on September 20, 2015.

Officer Hodson proceeded to give his testimony as to what was documented in his Police Report regarding this incident, as noted and summarized in the 'Hearing Notice'.

When asked by Chairman Beaugard if he had anything he wanted to ask of the Officer or present as a defense regarding the testimony that was presented by Officer Hodson, Atty. Michaud stated that he did not have any questions for the Reporting Officer but he did want Mr. Blier to speak to some of the aspects of the event that night, which were not included in the report.

When asked by Atty. Michaud to tell the Board what he witnessed that night, Mr. Blier stated, an individual was taken out of the premises because he assaulted one of our customers ... and as we attempted to get him off the premises ... he started to become violent ...and as we tried to get him out the door ...he and one of our other doormen went down to the ground.

Atty. Michaud added, in terms of the totality of the circumstances ... it should be noted that this patron was threatening to stab other people ... the security team did not know if he had a knife on his person at all ... the police were summoned as soon as this patron became unruly and started to fight ... they did not strike this

individual in any way ... there were no injuries that were ... reported by the officer ... no ambulances were called at all ... they did the best that they could do ... to gently remove this patron who was lashing about wildly at other people ... to get him outside for the safety of the other patrons that were in the club.

When asked by Chairman Beauregard if the patron was known to the club, Atty. Michaud responded, I don't believe he was a known regular to the club ... so that's why it was unknown as to what he would do ... so this was kind of a onetime situation ... and obviously he's not going to be allowed back into the club based on the circumstances ... and everybody felt very badly about it ... because the club has a long history here ... and in accordance with club policies ... the security team did respond ... they isolated and neutralized ... and attempted to remove him from the club ... and that's when the patron fell to the ground as they were attempting to get him outside ... and immediately the bartenders ... as soon as they saw it was an issue ... the bartenders immediately summoned the police... because that's the club's policy.

When asked by Chairman Beauregard as to how the club was when he responded, Officer Hodson responded, there were no problems outside ... just that male who was intoxicated ... he was very irate ... and the club was co-operative.

Seeing no other questions on this matter, Chairman Beauregard stated that there was one other matter that the Board wanted to address, and that was relative to complaints the Board has received regarding late night disturbances and loud music emanating from the club; and you're probably aware that they've also reported it to the Police Department a couple of times.

When asked by Chairman Beauregard if there was any way we could address these noise issues, to which Atty. Michaud responded, we already have ... the policy of the club is to try to be pro-active with respect to complaints ... any complaints that come in and go right to Mr. Pettijean's attention ... we believe the source of the noise ... was from people are going into the restrooms ... where they were opening the windows in the restrooms ... whether it was to have a quick smoke ... or something of that nature ... and that allowed noise to flow right out ... and also patrons entering and exiting the club ... who were standing at the doorway and talking with the door open ... so what the club has done since the report of the noise violation ... is to check the windows in the restrooms on a regular basis ... and make sure the patrons leave quickly and efficiently ... rather than standing at the door and holding it open ... and talking back and forth with people.

Chairman Beauregard responded, as much as you manage the inside ... you have an equal responsibility to manage the outside ... the smoking law ... in one regard, it's been very good ... but in another regard ... it's become very much a hindrance ... it's put a burden on the neighbors when everybody is outside ... and the music is loud.

Mr. Pettijean responded, the band has also been instructed to turn it down and they have turned it down.

Chairman Beauregard also suggested that the club look into getting the room soundproofed, adding that there is some cheap soundproofing available, to which, Mr. Pettijean responded, we will definitely be looking into that.

Atty. Michaud concluded his remarks by stating, the shorthand is ... they're going to keep the windows closed and that includes the windows behind the band ... and the club recognizes its responsibility ... and they take it seriously ... they've been there for a lot of years ... and they've been great neighbors for a lot of years at that location ... and they want to continue that.

VOTED: As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, voted unanimously to receive the report and place it on file with no further action at this time.

NOTE: The following was included in the written decision that was issued to the licensee on 10/26/15:

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. 11, 12, 38, 41--

Excessive Hilarity, Noise, Crowds, and Objectionable Persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe; all entertainment

shall be so conducted that no noise shall be audible upon any abutting property; the type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board.

New Bedford Code of Ordinances, Ch. 15, sec. 1.2

Any business operating under a Common Victualler license which abuts a residential property shall be subject to a restriction after hearing before the City of New Bedford Licensing Board, **which may restrict the overnight or late night operating hours between the hours of 10:00 p.m. and 7:00 a.m.**, so as not to menace the health or interrupt or disturb the sleep of residents, and said City of New Bedford Licensing Board may restrict or prohibit or otherwise regulate said establishment between said hours. Any residential abutter may request a hearing before said City of New Bedford Licensing Board to seek such a restriction.

Please be advised that the Licensing Board takes the complaints and concerns of residents of any neighborhood very seriously, and therefore, the members of the Board respectfully request that you monitor your music and noise levels on or about your premises to ensure that it's not at a level that may be a disturbance to your neighbors; as well as a request that you post a sign asking your patrons that when leaving your establishment, they do so in a manner as not to cause a disturbance to your neighbors.

10. Hearing: Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol

Mr. James F. Pettijean, Manager
736 Ashley Boulevard

Your presence is requested at a Public Hearing⁷ to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of an incident reported by the New Bedford Police Department; as well as concerns regarding the day to day management of the premises with regard to public safety and that of your employees, and the increase in incidents taking place at your establishment. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open. The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -)

Action Taken: -NONE-

11. Hearing: Barbosa and Raposo, Inc.

d/b/a Tilia's Café & Restaurant
Mr. Jose Barbosa, Manager/Co-Owner
1615-1623 Acushnet Avenue

Your presence is requested for a hearing to determine whether you have violated various licensing rules & regulations. This hearing will focus on an incident that occurred on Saturday, August 29, 2015 resulting in an underage patron and her family allegedly being assaulted in and around your premises.

Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

The potential violations are as follows:

ABCC Regulation 204 CMR 2.05: (2)-

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

premises.

Licensing Board Regulation No. 10, 11, 12-

Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

City Ordinances:

Section 15-96. Exclusion of minors from liquor establishments during entertainment

No person under the age provided in Massachusetts General Laws (21 yrs. old) shall be present or go upon premises licensed for the sale of alcoholic beverages, if the premises are, or should be, licensed for entertainment, while entertainment is being offered thereon.

Date and time of alleged violations: Saturday, August 29, 2015 @ approximately 2:00 a.m. - Police Report #15-11055-OF

Present: Atty. Christopher Saunders along with Jose Barbosa, Owner and Sandra Estrella, Daughter; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Yesenia Miranda-Santiago, Reporting Officer

As a result of the hearing and the testimony presented, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to receive the report and place it on file with no further action at this time.**

The following written decision was issued to the licensee on 10/26/15:

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

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. 10, 11, 12-

Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

City Ordinances:

Section 15-96. Exclusion of minors from liquor establishments during entertainment

No person under the age provided in Massachusetts General Laws (21 yrs. old) shall be present or go upon premises licensed for the sale of alcoholic beverages, if the premises are, or should be, licensed for entertainment, while entertainment is being offered thereon.

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

12. Hearing: Barbosa and Raposo, Inc. d/b/a Tilia's Café & Restaurant

Mr. Jose Barbosa, Manager/Co-Owner
1615-1623 Acushnet Avenue

Your presence is requested at a hearing to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of an incident reported by the New Bedford Police Department; as well as concerns regarding the day to day management of the premises with regard to public safety and that of your employees, and the increase in incidents taking place at your establishment. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or

outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12

Action Taken: -NONE-

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

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

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

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

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

Rec'd 09/18/15 – A request was submitted on behalf of Route Six Properties, Inc. withdrawing its application for a change of manager, as a result of the resignation of Paul Vasconcelos as the general manager effective 09/14/15.

Voted: The Board, on a motion by Commissioner Almeida **voted unanimously to receive the request and place it on file; and to approve the request to withdraw the application.** – **Unanimous**

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

Mr. Steven M. Camara, Owner/Manager

161 Popes Island

Your presence is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules & Regulations. This hearing will focus on an incident that occurred on Saturday, September 19, 2015 which resulted in a patron being assaulted and stabbed as he left your premises. The Licensing Board is troubled about this event since it appears you failed to heed the Board's warnings in regards to serving patrons that are intoxicated and failing to keep the premises safe. The Board also has concerns that you may have ceded control of the premises to a person (s) not responsible and not directly subject to the Licensing Board.

Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

The potential violations are as follows:

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

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

Licensing Board Regulations No.1, 6, 11, 12, 36-

Licenses may not be transferred or surrendered without permission of the Board; Each Corporate Licensee shall

appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen; Objectionable persons shall not be permitted on or about the premises; Premises must at all times be kept safe; Licenses are subject to suspension, revocation or forfeiture after hearing for breach of any of the listed regulations or any other law of the Commonwealth.

Date and time of alleged violations: Saturday, September 19, 2015 @ approx. 2:00 a.m. - Police Report #15-12063-OF

Your failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

Present: Atty. Patrick Matthews along with Steven Barreira, Proposed New Manager; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Timothy Hogan, Reporting Officer

As a result of the hearing and the testimony presented, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to decrease the hours of operation and amend the Common Victualler (Restaurant) All Alcoholic Beverages License to reflect a 10:00 p.m. closing; the decrease in hours will remain until such time as the application for a change of manager is approved by this Board, at which time, the Board will reconsider their decision to the rollback of hours.**

This reduction in hours is non-appealable under M.G.L. Ch. 138, sec.12.

The following written decision was issued to the licensee on 10/26/15:

This decision is the result of the Board's concerns that proper management does not appear to be in place which may be the cause of the increase in violence. Although the Board did not take any action with regard to the latest incident, they did concur and express their concerns about the role of management. We do not take decisions affecting the financial resources of any establishment lightly; however, we have an obligation to make sure all licensed establishments are safe to the general public.

Please note that your application for a change of manager **must be submitted by November 6, 2015** in order for it to be considered at the November 16 meeting.

**** Note: Licensing Board Regulation No. 19-**

Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned off the tables & bar, and no alcoholic beverages shall be served or be consumed at the expiration of 15 minutes after closing (10:15 p.m.). All Customers must leave the premises no later than 30 minutes after closing (10:30 a.m.).

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

Mr. Steven M. Camara, Owner/Manager

161 Pope's Island

Your presence is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents reported by the New Bedford Police Department. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises.

This decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -)

Action Taken: -NONE-

Tabled at 09/21/15 Meeting

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

Mr. Steven M. Camara, Manager/Owner

161 Pope's Island

Your presence and that of **Paul Vasconcelos** is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission (ABCC) Regulations and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to suspend your license until this matter is resolved.

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 6,

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

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

Minutes of 09/21/15 Meeting

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

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

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

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

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

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

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

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

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

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

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

week there.

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

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

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

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

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

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

Mr. Camara assured the Board that the change would be made.

Mr. Nanopoulos once again instructed Mr. Camara to get the 'new' change of manager application in as soon as possible.

Action Taken: -NONE-

- **CORRESPONDENCE**

---NONE--

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Vasco Da Gama Rest. Intoxicated	#15 – 3061 – AR	10/10/15	Serving After Hours; Employee; Disorderly To Police
<u>Decision:</u> Bring In For a Hearing – 11/16/15			
2. Dublin's Sports Bar	#15 – 13233 – OF	10/12/15	Disturbance/ Patrons Assaulted Underage Persons (Approximate Time of Violation 2:05 a.m.)
<u>Decision:</u> Receive & Place on File with a Warning Letter			

- **REVIEW INACTIVE LICENSES – FOR NOVEMBER MEETING**

1. **Andrews Dahill Post #1531** – Club AA – Closed/Tax Issues
2. **Bar 908** – CVAA – License for Sale

3. **Braza Rotisserie (Ransan Rotisserie d/b/a) – CV W & M – License/And Or Business For Sale**
4. **Columbus Group (Columbus Group, LLC d/b/a) – CVAA – Renovations**
5. **Fortuna Grill (DeAbreu & Sons, Inc. d/b/a) – CV W & M – License/And Or Business For Sale**
6. **Lebanese Kitchen (Nabih Moujabber d/b/a) – CV W & M – Renovations**
7. **Royal II (Royal Food & Beverage Co., Inc. d/b/a) – GOP AA - License/And Or Business For Sale**
8. **The Sky Room (The Sky Room, Inc. d/b/a) – CV AA - License/And Or Business For Sale**
9. **Union City (Ramon D. Silva Enterprises, LLC d/b/a) – CV AA – Not Fully Operational**
10. **VVK Realty, LLC – CV AA - Renovations**
11. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a) – CVAA - Renovations**

Action Taken: Bring all in for a hearing in November

- **Next Two Meeting Dates:** November 16th & December 21st, 2015, both in Room 314 – **APPROVED**
- **MEETING ADJOURNED:** 8:45 p.m.