



Licensing Board

November 16, 2015 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

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

MOTION TO ACCEPT THE MEETING MINUTES OF October 19, 2015 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer & Change of Location - 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. Mallows 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 **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

Approved By ABCC – 10/23/15

Received – 11/13/15 – A written request from Jay Lanagan requesting additional time to finish his renovations and obtain his final inspections; with an estimated opening date of 12/25/15.

Change of Manager - 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**.

Approved By ABCC – 10/23/15

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

Approved By ABCC – 10/29/15

Altering of Premises & Change of Location - 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.

Approved By ABCC – 10/30/15

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

VOTED: To take up Item #'s 1 & 2 at one time: which were related petitions. – **Unanimous**

1. PETITION - Trans. # 074– Plot # 12—287, (No Representation Required)

The Edge Hospitality, LLC d/b/a The Edge Seafood Restaurant & Bar, 1480 East Rodney French Boulevard, is requesting the approval of **Margaret Kulpinski**, who resides at 99 Flagg Swamp Road, Dartmouth, MA., as their new manager.

Present: *No one was required to appear.*

2. PETITION - Trans. # 074– Plot # 12—77, (No Representation Required)

The Edge Hospitality, LLC d/b/a The Edge – Tiki Bar, 1494 East Rodney French Boulevard, is requesting the approval of **Margaret Kulpinski**, who resides at 99 Flagg Swamp Road, Dartmouth, MA., as their new manager.

Present: *No one was required to appear.*

Mr. Nanopoulos informed the Board that Ms. Kulpinski is the owner of both locations, and that she was recently approved by the Board as the manager for Seafire Grillhouse, which was recently transferred.

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

VOTED: Commissioner Almeida made a motion to remove item #3 from the table and to re-open the hearing – **Unanimous**

Tabled at 10/16/15 Meeting

3. 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 on.

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 Beaugard 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.

Decision of 10/19/15 Meeting

Present: Atty. Patrick Matthews along with Steven Barreira, Proposed New Manager (Mr. Camara did not appear as requested)

Per your hearing of Monday, October 19, 2015, it was the Board's decision to decrease your hours of operation and amend your Common Victualler (Restaurant) All Alcoholic Beverages License to reflect a 10:00 p.m. closing. This decrease in hours will remain until such a time that your application for a change of manager is approved by this Board. At that time, the Board will reconsider their decision to the rollback of hours.

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.

Present: Atty. Patrick Matthews along with Steven Camara, Owner and Current Manager along with Kelvin Ortiz, Proposed New Manager

Mr. Nanopoulos opened the hearing by summarizing what had occurred at the last meeting; and as to the action the Board took as a result of that hearing, and informed the Board that the application was on tonight's agenda (Item # 4).

Chairman Beaugard suggested that the Board take up item #4 prior to making any decision with regard to the rollback of hours.

On a motion by Commissioner Almeida, the Board voted unanimously to table item #3 and to take item #4 out of order.

Upon approving the application naming Mr. Ortiz as the new manager, Commissioner Almeida made a motion to remove item #3 from the table and to re-open the hearing.

Voted: Based on the Board's approval of Mr. Ortiz as the new manager, Commissioner Almeida made a motion to rescind the Board's vote of 10/19/15, in which it rolled back the operating hours to 10:00 p.m.; and to reinstate the full operating hours back to 2:00 a.m. – **Unanimous**

4. PETITION - Trans. # 116– Plot # 60-26

Route Six Properties, Inc. d/b/a Temptation, 161 Pope's Island, is requesting the approval of Kelvin Ortiz, who resides at 242 Brownell Street, New Bedford, MA. as their new manager.

Present: Atty. Patrick Matthews along with Steven Camara, Owner and Current Manager along with Kelvin Ortiz, Proposed New Manager

Atty. Matthews opened the hearing on the petition by stating that Mr. (Paul) Vasconcelos, the previously proposed manager, had found other employment, and has requested that his application be withdrawn; and that the Board approved that request at the last meeting. Therefore, Mr. Camara looked around and considered a few different people who he thought would be suitable, and finally settled in on Mr. Ortiz.

Atty. Matthews continued his comments by stating; as you can see from his background ... he has experience in operating nightclubs ... he's T.I.P.S. Certified ... he's also been with the club in a non-managerial position for two years... and we feel that he will be a good manager ... he already works there between 40 & 50 hours a week ... he will continue to work those hours in this capacity ... and Mr. Camara usually comes in earlier in the day to run the business portion of the operation ... and usually works through the afternoon before Mr. Ortiz

takes over until later on.

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; along with the stipulation that Mr. Ortiz 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**

5. Hearing: Young Cape Verdean Athletic Association, Inc.
Mr. Barry R. DeMelo, Proposed New Manager
418 South Front Street

Your presence and that of **Renee DePina, Treasurer** 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 secure a Certificate of Good Standing from the Department of Unemployment Assistance (DUA) in a timely manner, which is required to complete your application for a Change of Officers, Directors, and Manager, which was returned once again by the ABCC on 10/08/15. The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well as your failure to resolve your outstanding issues with the DUA in a timely manner.

You have until November 12, 2015 to submit the requested documents.

As a result of your failure to comply in a timely manner, the Board will entertain testimony as to the actions of the Young Cape Verdean Athletic Association. Short of full compliance, the Board must take action and **as such you, are hereby ordered to bring with you your 2015 Liquor License.** Depending on the Board’s findings, you may be required to surrender your license until this matter is resolved.

Present: Mr. DeMelo did not appear as requested.

Mr. Nanopoulos informed the Board that both Mr. DeMelo (Manager) and Ms. DePina (Treasurer) resigned their positions with the club on 10/05/15; therefore, a new application must be submitted as soon as possible for a change of officers, directors, and manager, since there is currently serving as an officer or manager that been approved by this Board and the ABCC that’s authorized to run the club.

6. Hearing: Young Cape Verdean Athletic Association, Inc.
Mr. Donald Soares, Proposed New President
418 South Front Street

Your presence 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.

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This hearing will focus on the control and operations of the licensed premises, as well as your failure to secure a Certificate of Good Standing from the Department of Unemployment Assistance (DUA) in a timely manner, which is required to complete your application for a Change of Officers, Directors, and Manager, which was returned once again by the ABCC on 10/08/15. The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well as your failure to resolve your outstanding issues with the DUA in a timely manner.

You have until November 12, 2015 to submit the requested documents.

As a result of your failure to comply in a timely manner, the Board will entertain testimony as to the actions of the Young Cape Verdean Athletic Association. Short of full compliance, the Board must take action and **as such, you are hereby ordered to bring with you your 2015 Liquor License.** Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

Present: Donald Soares, President along with Dulceiann Mello, 'current' Manager of Record, John L. Maciel, Proposed New Manager, and Jose George, Board Member

Mr. Nanopoulos opened the hearing by stating, this is a continuation of a year long process in an attempt to complete and get approved a needed change in officers, directors, and manager... I've worked with the 'club' extensively since April ... and prior to that since December ... and this application has gone back and forth to Boston at least 4 times ... it's been returned due to DOR and DUA issues ... as well as for document issues, which were submitted by the proposed manager (Mr. DeMelo).

Mr. Nanopoulos continued his comments by stating; with regard to the DOR issues ...they entered into an agreement with the DOR on a payment plan ... they made the initial payment to enter into the agreement... but they didn't even make the first payment on the re-payment plan.

Mr. Nanopoulos informed the Board ... we are now in November ... and they currently do not have anybody ... officer, director, or manager ... that has been approved by this Board and the ABCC ... to sign the 2016 liquor license renewal form ... Ms. Mello, who is here tonight, resigned as manager in December of last year ... so for a year, we've had no approved manager at this location ... and no approved officers and directors ... so at this moment ... there's no one to sign the renewal forms.

When asked by Chairman Beaugard as to what his role was with the club, Mr. Soares stated that he was the president, and that he became the president in April and that he just got re-elected on November 8th.

When asked by Chairman Beaugard as to what her role was with the club, Ms. Mello stated that she was the bar manager and that her name was still on the license but she resigned last December.

When asked by Chairman Beaugard as to why she was present tonight, Ms. Mello responded, they told me I had to come to sign some papers.

When asked by Chairman Beaugard as to what his role was with the club, Mr. Maciel stated that he was voted in to be the new bar manager starting January 1st.

Chairman Beaugard then addressed those that were present on behalf of the club by stating, you heard Mr. Nanopoulos state earlier ... we've gone over a year ... we have issues with the officers ...directors ... and we have no manager.

When asked by Chairman Beaugard if they had brought in the liquor license in with them as requested, Mr. Soares responded, no, I didn't.

When asked by Chairman Beaugard if he had read the notice that said that you had to bring the license in with you today, Mr. Soares stated, I just saw it.

Mr. George then stepped up to the table and informed the Board that Mr. DeMelo was opening the mail and was not informing the Board as to what was going on with the license, and that he was telling them in April that the

license was all set.

After discussing the matter with those present on behalf of the club, Chairman Beauregard stated, you guys have some problems ... with 18 members ... right?

Mr. Soares responded, I think it's 19.

Mr. Maciel informed the Board that he had taken care of the fire inspection, which they passed, and the Board of Health.

Chairman Beauregard responded, unfortunately sir, it's a little too late; to which Mr. Maciel stated, it was Mr. DeMelo who was the one that was there, it was not me.

Chairman Beauregard responded, I'm not here to throw anyone under the bus ...but you appointed him ...you made him the manager and this Board has been more than fair in the time we've given you to resolve this matter ...but the fact is ... as the board of directors and as the president of the club ... you've had ample opportunity to present what we needed here in order to approve a manager, as well as the required changes to the officers and directors ... so we could submit it to Boston ... and it's been all of a year ... and the fact remains ... you have until Friday to sign the renewals ... and you have nobody that's been approved to sign the renewal.

Commissioner Almeida made a motion to suspend the 'club' all alcohol license effective November 17th and to hold the suspension in abeyance until December 21st, which would give the licensee additional time to complete the application; with the stipulation that the application be submitted by December 4th, and that the club appear before the Board on December 21st.

The motion passed on a second by Commissioner Craig, with Chairman Beauregard voting not in favor.

On the vote that was taken, Chairman Beauregard voiced his concern that they were returning the license back to the club with no approved person in charge.

Commissioner Craig was in agreement and asked if the maker of the motion would make a motion to reconsider the vote.

Commissioner Almeida then made a motion to reconsider the vote and the matter back before the Board for a substitute motion.

After further discussion, the following substitute motion was made by Commissioner Almeida.

Voted: On a motion by Commissioner Almeida, the **Board voted unanimously to suspend the club' all alcohol license effective immediately until such a time as the Board is provided with a certificate of good standing from the DUA and DOR and that a revised application is submitted and approved by this Board and the ABCC;** with the stipulation that the licensee has until December 14, 2015 to submit the required documents, and that short of full compliance, the Board may take action to revoke the license.

Note: Chairman Beauregard instructed Mr. Soares to drop off the license in the morning.

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

Ms. Fernanda Carvalho, Co-Owner

1430 Acushnet Avenue

Closed 10/31/13 – License for Sale

Your presence and that of **Claudio Cabral** is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015; the Board will also consider taking action to revoke your Common Victualler All Alcoholic Beverages license based on your failure to comply with the Laws of the Commonwealth (DOR).

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.

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.

Please be advised that if you submit a 'current' Certificate of Good Standing at any time prior to this hearing, you will not be required to attend as requested.

Present: Fernanda Carvalho, Manager/Co-Owner and Claudio Cabral, Co-Owner

Mr. Nanopoulos informed the Board that Ms. Carvalho did come in and signed the 2016 renewal, but she was asked to appear in order for the Board to clarify as to what her responsibilities and obligations are with regard to her liquor license, for which an application for transfer is pending with the ABCC.

Chairman Beauregard informed Ms. Carvalho that until such a time that the pending application for transfer is approved, she is still responsible for the renewal of the license including the payment of the renewal fee in December, unless she makes other arrangements with the buyer.

Chairman Beauregard warned Ms. Carvalho that the money she received for the licensee and the renewal fee may have to be returned to the buyer, if the transfer is not approved; and that she would retain the rights to the license, as well as the obligations that go along with it.

ACTION TAKEN: NONE

8. Hearing: Andrews Dahill Post#1531 (Veterans of Foreign Wars of the United States, Inc.)

Mr. Patrick M. Flinn, Manager

477 Park Street

Closed 06/23/15 – Failure to Submit DOR Certificate of Good Standing

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 Club All Alcoholic Beverages License.

Present: Patrick M. Flinn, Manager

Mr. Flynn submitted a 'club' vote, which stated that the Board of Directors voted to forfeit (not renew) the Club's Liquor License for 2016.

Mr. Flinn stated that they're planning to put up housing where the club is now located.

VOTED: On Commissioner Almeida's motion, the Board unanimously voted to receive the vote submitted by Mr. Flinn: and to place it on file. - **Unanimous**

VOTED: Commissioner Almeida made a motion to remove item #9 from the table and to re-open the hearing – **Unanimous**

Tabled at 08/24/15 Meeting

9. Hearing: Times Square Restaurant, Inc. d/b/a Bar 908

Mr. Thomas A. Kern, Manager

908 Purchase Street

Closed 07/21/15

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.

08/24/15 Decision

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

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

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

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

Unanimous

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: Thomas A. Kern, Owner

When asked by Chairman Beaugard as to what his plans were for the liquor license, Mr. Kerns stated that it was still up for sale, and that he was also contemplating doing something different at the current location.

When asked by Chairman Beaugard about his earlier plans regarding the Wharf Tavern location, Mr. Kerns stated that was off the table.

When asked by Chairman Beaugard as to a time frame, if he were to re-open at the same location, Mr. Kern stated that he was waiting on some pricing regarding an ansul system for the kitchen; and added, if I stay there, that’s what going to happen, it’s going to be a restaurant but if someone wants to buy it, I’ll sell it tomorrow.

When asked by Chairman Beaugard if he was prepared to sign and pay for the renewal, Mr. Kerns stated that he was.

VOTED: Commissioner Almeida made a motion **to table the matter until the June 2016 meeting with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until 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 you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use. -

Unanimous

Tabled at 10/19/15 Meeting

10. 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 the “Automatic Revocation” of your Common Victualler Wine & Malt Only License.

Present: No one was required to appear.

Mr. Nanopoulos informed the Board, that since the Board approved the application at the last meeting for the transfer of this license, and that no further action would be required.

VOTED: Commissioner Almeida made a motion to remove item #10 from the table with no further action. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove item #11 from the table and to re-open the hearing – **Unanimous**

Tabled at 07/27/15 Meeting

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

Ms. Xiaohui Yang, Owner

218 Union Street

Approved 12/09/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application. If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board.

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

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

07/27/15 Decision

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

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until**

November 1, 2015 to initiate one (1) of the following three (3) options prior to this date:

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

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

Unanimous

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

Present: Atty. Christopher Markey along with Arthur DeMello, Property Manager the Columbus Group

When asked by Chairman Beauregard to give the Board an update of what their plans were for the license, Atty. Markey speaking on behalf of the Columbus Group, stated there’s a development that’s going to be placed at that location ... we believed in the spring that it would have progressed more than it has ... essentially, the developer for the building spoke with a consultant who advised them not to put a restaurant in there before the rest of the property is developed ... advising them that it should be done at the same time ... as a result of that ... the developer has been working on the financing since right after labor day... it’s anticipated that within the next 3 or 4 weeks a deal will be in place to move forward with the project ... and start the development of that property.

When asked by Chairman Beauregard if they would have something by February, Atty. Markey stated that he believes so and that something would be happening at that site by April of 2017.

VOTED: Commissioner Almeida made a motion to table the matter until the February 2016 meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until February 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 you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use. -

Unanimous

VOTED: Commissioner Almeida made a motion to take item # 18 out of order, since Atty. Markey was representing Ying Dynasty on this matter – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove item #12 from the table and to re-open the hearing – **Unanimous**

Tabled at 09/21/15 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 09/21/15 Meeting

As a result of the hearing held on September 21, 2015 to determine the status of your liquor license, this Board voted unanimously to table the matter to the Licensing Board's November 16, 2015 meeting, based on the information you provided to Mr. Nanopoulos; which included the recently signed P & S Agreement that was received and placed on file.

It is imperative that a transfer application be submitted to this office by October 28th, in order for it to be placed on the November 16, 2015 Agenda for approval.

As previously notified, if the buyer fails to submit an application by the stated deadline, you will be required to appear before this Board at our November 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 therefore, may 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: Manuel De Abreu Dos Reis, Owner along with Maria G. DeAbreu, Treasurer

When asked by Chairman Beauregard as to what his plans were for the liquor license, Ms. DeAbreu stated, we're actively trying to sell the license through a broker ... we did have a buyer for the license and the business but they backed out ... so we are back looking for a buyer ... and we've already signed the paperwork to renew the license, and were prepared to pay the renewal fee.

When asked by Chairman Beauregard if she's aware that's it's been over a year since they closed the restaurant, to which Ms. DeAbreu, yes, that's correct.

Chairman Beauregard responded to Ms. DeAbreu's comments by stating, I can't tell you how to market your license but maybe you have to re-price it, to which Ms. DeAbreu responded, yeah, we're already thinking about lowering the price ... that's something we'll definitely be doing at this point.

Chairman Beauregard responded, you definitely need to do something to move this license, it's been inactive for over a year and a half ... your license has been inactive since July 1, 2014 and you have been afforded ample opportunity to take action ... I would strongly advise that you make every attempt possible to sell or activate this license to avoid our having to take revocation action.

VOTED: Commissioner Almeida made a motion **to renew the existing liquor license with the following stipulations:**

Effective March 1, 2016, you must take action with your license by either:

- Opening and operating at the existing location as stated on your license;
- Submitted paperwork for a change of location and a date certain for the opening at the new location;
- To have submitted an application for the sale and transfer of the license to a new owner. – **Unanimous**

Tabled at 08/24/15 Meeting

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

Mr. Nabih Moujabber, Licensee

1487-1489 Purchase Street

Closed 07/12/14 – Renovations (Fire)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application. If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed

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

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

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

Minutes of 08/24/15 Meeting

As a result of the open hearing held on August 24, 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 2015 prior to this Board considering approval of your 2016 renewal application; **this Board voted unanimously to table the matter until this Board’s November 16, 2015 meeting with the following stipulation:**

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

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

Notes: Mr. Moujabber stated that he was prepared to renew and pay for his license for 2016; Chairman Beauregard instructed Mr. Moujabber to contact Mr. Romanowicz in order to get the approvals he needs to move forward on whichever site he chooses to re-open at. (Original Site or Car Barn site); Mr. Nanopoulos also reminded Mr. Moujabber that he would be required to submit an application for a change of location, if he were to choose to re-locate to the Car Barn location, and that process could take 6-8 to weeks.

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

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

Present: *No one appeared as requested.*

ACTION TAKEN: NONE (Re-Notify for December Meeting)

14. Hearing: Royal Food & Beverage Co. d/b/a Royal II **Mr. Manuel Escobar, Co-Owner/President** **123 MacArthur Drive**

Closed 09/08/15

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.

Present: Mr. Escobar was excused from appearing.

Mr. Nanopoulos informed the Board that there's a signed P & S Agreement to sell the license to Mr. Albert Santos, and that Mr. Escobar has already come in to sign his 2016 renewal; and that an application for transfer would be submitted in January 2016.

Based on that information, Mr. Nanopoulos suggested that the Board table any action until the March 2016 meeting.

VOTED: Commissioner Almeida made a motion to table the matter until the March 2016 meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until March 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 the Sale and Transfer of the license to a new owner. - **Unanimous**

Tabled at 07/27/15 Meeting

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

Ms. Audrey Carter, Manager/Owner

Curtis Mello

651 Orchard Street

Closed 12/22/14

Howland Mills Restaurant, Inc.

Atty. Richard J. Manning/Mr.

651 Orchard Street

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

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

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

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

Minutes of 07/27/15 Meeting

As a result of the open hearing held on July 27, 2015 to determine the status of your client's annual liquor license for the year 2015, and to discuss his plans for his liquor license for the year 2015 prior to this Board considering approval of his 2016 renewal application; **this Board voted to table the matter until the Board's November 16, 2015 meeting with the following stipulation:**

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

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

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

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

Present: No one appeared as requested.

ACTION TAKEN: NONE (Re-Notify for December Meeting)

16. Hearing: Ramon D. Silva Enterprises, LLC

d/b/a "Union City"

Mr. Ramon D. Silva, Owner

248-250 Union Street

Based on information provided by the New Bedford Fire Department, 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 completed business plan form (see attached) detailing your hours of operations, as well as other information that is asked on the form.

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 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 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: Ramon D. Silva, Owner

When asked by Chairman Beauregard as to what his plans were for the liquor license, Mr. Silva stated, the business is closed ... I couldn't keep funding the money I was losing there out of my paycheck every week ... so, I have the license with me tonight which I'll surrender now ... and my plan is to sell the license or the license with the business ... and I will sign the renewal this week ... and I plan on paying the renewal fee in December.

Mr. Silva also submitted a letter stating the same, which the Board voted unanimously to receive and place on file.

VOTED: Commissioner Almeida made a motion **to table the matter until the June 2016 meeting with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until 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 you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use. -

Unanimous

17. Hearing: VVK Realty, LLC

Mr. Gregory Kulpinski, Owner

1494-F East Rodney French Boulevard

Transfer Approved 08/28/15/Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application. If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board.

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

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

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

Present: Mr. Kulpinski was excused from appearing.

Mr. Nanopoulos informed the Board that Mr. Kulpinski was in the process of securing financing and permits in order for him to start the renovations of the premises.

Based on that information, Mr. Nanopoulos suggested that the Board table any action until the March 2016 meeting.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the March 2016 meeting.**

VOTED: Commissioner Almeida made a motion to remove item #18 from the table and to re-open the hearing – **Unanimous**

Tabled at 07/27/15 Meeting

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

Mr. Shang Ying Zhao, Manager of LLC

114-116 Nauset Street

Transfer Approved 06/03/14 – Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application. If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license.

Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board.

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

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been

issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

07/27/15 Decision

As a result of the open hearing held on July 27, 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 2015 prior to this Board considering approval of your 2016 renewal application; **this Board voted to table the matter until the Board's November 16, 2015 meeting with the following stipulation:**

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

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

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

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

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

Atty. Markey stated that there were delays in starting the renovations for numerous reasons but the renovations have started; but as a result of tearing down the wall between the Continental Tavern space and the China Lantern space, the occupancy number went up, so now it needs to be sprinkled; this matter came up in the last week.

Atty. Markey concluded his remarks by stating, they're addressing that issue now and they are now looking at the work being complete or nearly complete by February.

VOTED: Commissioner Almeida made a motion **to table the matter until the February 2016 meeting with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until February 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 you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use. -

Unanimous

Tabled At 10/19/15 Meeting

19. 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: Commissioner Almeida made a motion to table the matter until the Board's November 16th meeting.

– **Unanimous**

Present: *No one was required to appear.*

Mr. Nanopoulos informed the Board that the matter has been resolved, and that no further action would be required.

VOTED: Commissioner Almeida made a motion to remove item #19 from the table with no further action. –

Unanimous

VOTED: Commissioner Almeida made a motion to take up **Item #'s 20 - 26** at one time; waive reading; and approve the applications as presented – **Unanimous**

20. APPLICATION, (No Representation Required)

Fort Taber/Fort Rodman Historical Association, Joseph Langlois, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Halloween Party Fundraiser' to be held at the **Fort Taber Community Center**, located in **Fort Taber Park**; and to be held on **Saturday, October 31, 2015, from 8:00 p.m. until 11:45 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured & a copy of the Police Detail Contract*)

21. APPLICATION, (No Representation Required)

New Bedford Chamber/UMass Dartmouth, Jessica Fernandes, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Business After Hours', to be held at the **Star Store Gallery** located at **715 Purchase Street**; and to be held on **Thursday, November 5, 2015, from 5:00 p.m. until 7:00 p.m.**

22. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Conference Reception', to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, November 13, 2015, from 6:00 p.m. until 7:00 p.m.**

23. APPLICATION, (No Representation Required)

Low Tide Yacht Club, Ray Holberger, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'Award Dinner', to be held at the **Low Tide Yacht Club** located within **Fort Taber**; and to be held on **Saturday, November 14, 2015, from 4:00 p.m. until 11:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured.*)

24. APPLICATION, (No Representation Required)

Gallery X, John Nieman, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Gallery X Art Raffle Fundraiser', to be held at the **Gallery X**, located at **169 William Street**; and to be held on **Saturday, November 28, 2015, from 7:00 p.m. until 10:00 p.m.**

25. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser', to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, December 4, 2015, from 6:00 p.m. until 9:00 p.m.**

26. APPLICATION, (No Representation Required)

Our Lady of Angels, Inc., Jeff Canastra, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser', to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, December 5, 2015, from 2:00 p.m. until 6:00 p.m.**

27. Hearing: Vasco DaGama, Inc.

Ms. Maria O. Pinarretta, Owner/Manager
86 Dartmouth Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations and Licensing Board Rules and Regulations as reported by the N. B. Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They 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 # 10, 12, & 19-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Premises must be kept safe at all times; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

Summary of Incident Reports

Police Department Incident Report states that an Officer while on patrol, observed a group of 10 or so people standing outside of Vasco Da Gama Restaurant, located at 85 Dartmouth Street; the Officer stated that it was brought to his attention because all the lights in the bar and the neon light beer signs in the window were still on, and it was now 2:35 a.m.

When the Officer entered the bar, there were open alcoholic beverages on the counter with patrons still inside. When the Officer asked everyone to leave, one male patron gave the Officer an attitude but did leave, leaving two females who were cleaning the bar counter off.

Upon being questioned by the Officer as to why she was still serving alcohol, the bartender stumbled behind the bar when she was answering; at which time the Officer realized that she was highly intoxicated while working. The other female stated that she was not an employee and that she was only trying to help clean up.

When the Officer asked for her I.D., the female employee stated that she'd get it for him in a minute; the Officer asked the female repeatedly for ten minutes for an I.D. only to find that she did not have a driver's license with her.

As the Officers attempted to get information to locate the owner, the female bartender became belligerent towards the Officers that were on the scene, and was later placed in protective custody for her safety and the safety of others for being highly intoxicated from the use of alcohol. She was later offered a portable breathalyzer test and she accepted; she blew a 0.240.

Date and time of alleged violations: Saturday, October 10, 2015 @ approximately 2:39 a.m. - #15 – 3061 - AR

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

Present: Maria O. Pinarretta, Owner along with Jose A. Pinarretta, Husband; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Daniel Victoria, Reporting Officer

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

Chairman Beauregard informed Ms. Pinarretta 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 she would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Ms. Pinarretta stated that she didn't have any questions of the officer and waived the reading or summation of the report by the officer; and she also stipulated to the facts contained the Officers Report dated 10/10/15. Based on Ms. Pinarretta's stipulation to the facts, Chairman Beauregard gave Ms. Pinarretta an opportunity to address the Board in her defense.

Given the opportunity, Ms. Pinarretta stated, we in business for 28 years and this has never happened to us ... I'm embarrassed that this happened ... the young lady has worked for 8 years ... she doesn't even drink ... it was an unfortunate incident ... she's been spoken to ... she's still working for us ... we just hope that this never happens again ... she had issues that day ... it was an isolated incident.

Chairman Beauregard responded, she had a pretty high alcohol level of 0.240.

Mr. Pinarretta stated that they talked to her and she stated that she would never do it again.

Chairman Beauregard responded, this report doesn't sit well with the Board, according to the report she was pretty belligerent towards the officer, as a result of being highly intoxicated while she was on the job.

In response to Ms. Pinarretta's statement that this was a onetime incident and that this person doesn't even drink, Capt. Vicente stated, there's no way someone going to blow a 0.240 if they've never drank before ... at least by 0.10 ... she'd be gone already ... she was 3 times the legal limit ... she drinks ... she could never function at that stage if she wasn't a drinker ... the level she was at ... she's a drinker ... or she would have passed out a lot sooner than that ... if she didn't drink ... she would have been out like a light at 0.150!

Commissioner Craig voiced his concern that not only was she intoxicated but she was serving other people while intoxicated after hours; and added, you should be concerned about that as well.

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 suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of four (4) days with two (2) days (12/08/15 & 12/09/15) to be served with two (2) days held in abeyance for one (1) year as long as there are no other violations of M.G.L., ABCC Regulations, or New Bedford Licensing Board Rules & Regulations.** The Board also voted to place the licensee on probation for a year commencing on November 17, 2015.

The following written decision was issued to the licensee on 11/20/15:

Per the public hearing of November 16, 2015, this Board found you in violation of ABCC Regulation 204 CMR 2.05 (2), specifically permitting an illegality to occur on the licensed premises, as a result of the actions of one of your employees after the allowed closing time.

The Board also heard testimony and concurred that you also violated the following local Licensing Board Regulation:

#10 - Alcoholic beverages shall not be served to a person who is or appears to be intoxicated;

12- Premises must be kept safe at all times;

#19 - Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, and no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

The decision of the Board was based on testimony contained in the Police Report which stated that patrons were found on the premises at 2:40 a.m. consuming alcohol, which were served by a bartender that was in a state of intoxication; so much so, that she was unsteady on her feet and was unable to respond properly when

questioned by the police. She later became abusive towards the police and was placed into police custody; and later, during the booking process, she blew a 0.240 on her breathalyzer test. The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of M.G. L. Ch. 138 within five (5) days of receipt of this decision. A copy of said appeal must be submitted to this office.

- **CORRESPONDENCE**

---NONE--

- **COMPLAINTS RECEIVED:**

---NONE--

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

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

- **HOLIDAY HOURS**

***The Licensing Board has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 26, 2015, as follows:

- **Hotels, Restaurants, Taverns, and Clubs may sell Alcoholic Beverages during the usual hours. (8:00 a.m. until 2:00 a.m.)**
- **“Package Goods” Stores may not sell or deliver Alcoholic Beverages at any time during the day: **but they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before.****
- **Manufacturers and Wholesalers and Importers shall make no sales or deliveries at any time during the day**
- **NEXT TWO MEETING DATES: Monday, December 21, 2015 & January 25, 2016, both in Room 314**
- **MEETING ADJOURNED: 8:10 p.m.**