



Licensing Board

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

LICENSING BOARD MEETING

-MINUTES-

Monday, December 21, 2015

Room 314 – 7:00 p.m.

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 NOVEMBER 16, 2015 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New ‘Club’ All Alcoholic Beverages License - 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**’.

Approved By ABCC – 11/10/15

Transfer & Pledge - Trans. # 163 – Plot # 110--14

Prutha, Inc. d/b/a Central Liquors, Nileshkumar M. Patel, President, who is petitioning to transfer a

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

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

Approved By ABCC – 11/23/15

Change of Manager - Trans. # 074– Plot # 12—287

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**.

Approved By ABCC – 11/25/15

Change of Manager - Trans. # 074– Plot # 12—77

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**.

Approved By ABCC – 11/25/15

Change of Manager - 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**.

Approved By ABCC – 12/01/15

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

Approved By ABCC – 12/09/15

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

1. PETITION - Trans. # 065– Plot # 15--41,

Becky D, Inc. d/b/a Southside Annie’s, Annette Demers, Director, who is petitioning to **transfer a General on Premise All Alcoholic Beverages license to 114 Cove Street, Inc. d/b/a Southside Annie’s**. Upon

approval, Michael Lajoie will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100 %); and **Kimberly Wilson** is the **Proposed New Manager**. The previously approved premise consists of one room on the first floor and one room on the second floor of a three-story building, with stock in the cellar. The premise is situated on the south side of Cove Street between McGurk Street and Rodney French Boulevard, and is numbered **114 Cove Street**.

Final approval will require a **‘Change of Tenant’** from the Building Department, a new **‘Food Permit’** from the Health Department, and a copy of **‘Proof of Liquor Liability’**.

Present: Atty. Christopher T. Saunders along with Kimberly Wilson, Proposed New Manager and Michael Lajoie, Proposed New Owner

Responding to questions from Chairman Beauregard, Atty. Saunders stated it’s essentially a turnkey operation ...the name is going to remain the same ... the hours are going to remain the same ... Kimberly Wilson is the proposed manager ... she currently works at the Brown Jug in the North End ... as well as at the Garden, which is located downtown ... where she’s worked since 2011 ... she has experience in the industry ... all bartenders and Ms. Wilson will be T.I.P.S. Certified ... and there will be no live entertainment ... they will have a jukebox ... a pool table ... and there will be no food ... it will essentially stay as the same business as it is now.

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 Ms. Wilson submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all his servers be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 2 - 6** at one time; waive reading; and approve the applications as presented – **Unanimous**

2. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Tina Malott, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Members Premiere’ to be held at the **Flagship Cinemas**, located at **500 King’s Highway**; and to be held on **Saturday, December 5, 2015, from 6:00 p.m. until 7:00 p.m.**

3. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Cassie Poirier, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘New Year’s Eve Bash’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, December 31, 2015, from 7:00 p.m. until 10:00 p.m.**

4. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Robert C. Rocha, Jr. Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Moby Dick Marathon Dinner’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, January 8, 2016, from 5:00 p.m. until 8:00 p.m.**

5. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Sunday, January 24, 2016, from 1:00 p.m. until 3:00 p.m.**

6. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an ‘Opening Reception’ to be held at the **New**

Bedford Art Museum, located at **608 Pleasant Street**; and to be held on **Saturday, February 13, 2016, from 2:00 p.m. until 4:00 p.m.**

VOTED: Commissioner Almeida made a motion to remove item #7 from the table and to re-open the hearing – **Unanimous**

Tabled at 07/27/15 Meeting

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

Ms. Audrey Carter, Manager/Owner

Mello

651 Orchard Street

Closed 12/22/14

Howland Mills Restaurant, Inc.

Atty. Richard J. Manning/Mr. Curtis

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: Atty. John Williams along with Curt Mello, both officers of Howland Mills Restaurant, Inc.

When asked by Chairman Beauregard to inform the Board as to what their plans were with regard to the Sky Room liquor license, Atty. Williams stated that the license was foreclosed on in Superior Court, which was done by Atty. Richard Manning.; and that it was now their intention to transfer back to Howland Mills Restaurant, Inc.; and that they have a potential tenant to take over the Sky Room to run it as a function hall.

When asked by Chairman Beauregard as to when they planned to submit the application, Atty. Williams stated that he could have it filed for the next meeting, the January meeting; and once that transfer comes back approved, we’ll submit an application on behalf of the new tenant.

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

Board meeting.

VOTED: Commissioner Almeida made a motion to remove item #8 from the table and to re-open the hearing – **Unanimous**

Tabled at 08/24/15 Meeting

8. 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: Nabih Moujabber, Licensee

The Board once again listened to Mr. Moujabber’s concerns regarding the issues that have delayed his renovation project from moving towards completion.

Based on Mr. Moujabber stated concerns, Chairman Beauregard asked Mr. Nanopoulos to contact Mr. Romanowicz, the Commissioner of Buildings, in an attempt to set up a meeting with Mr. Moujabber to help resolve any issues that may be delaying his renovations at his current location or his attempt to build out a new location near the Car Barn on Purchase St.

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

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

Tabled at 11/16/15 Meeting

9. 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.

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.

Decision of Board of 11/16/15 Meeting

Based on the club's failure to secure a Certificate of Good Standing from the Department of Unemployment Assistance (DUA) and the Department of Revenue (DOR), as well as the recent resignations of the proposed treasurer and manager; the Board voted unanimously to suspend your license effective immediately until such time as we are 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.

You will have until December 14, 2015 to submit the required documents; short of full compliance, the Board may take action to revoke your license.

The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well as your inability to resolve your outstanding issues with the DUA and DOR in a timely manner. You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. within five (5) days of receipt of this notice with a copy submitted to this office.

---NOTICE TO APPEAR---

You are also hereby notified that your presence is also required at a meeting to be held in **City Hall, Room 314 on Monday, December 21, 2015 at 7:00 p.m.** and you are hereby instructed to bring with you your **2015 Liquor License.**

Present: Donald Soares, President along with Dulceiann Mello, 'current' Manager of Record, John L. Maciel, Proposed New Manager, and Mary Barrett-Maciel, Treasurer

Mr. Nanopoulos informed the Board that he did receive an application from Atty. Medeiros' office on behalf of the YA Club, but there were documents missing and there was no DOR Certificate included in the packet; therefore, it's not on the agenda as requested by the Board at its last meeting.

Mr. Nanopoulos reminded the Board of the current status of the license by stating that club signed the license renewal but that it was suspended by the Board at its last meeting based on the club's failure to secure a Certificate of Good Standing from the Department of Unemployment Assistance (DUA) and the Department of Revenue (DOR), as well as the recent resignations of the proposed treasurer and manager; until such time as the Board is provided with a certificate of good standing from the DUA and DOR and a revised application is submitted and approved by this Board and the ABCC; and that the club was given until December 14th to submit the required documents; with notice, that short of full compliance, the Board may take action to revoke their license.

Mr. Nanopoulos completed his remarks by stating, based on what was submitted, the club is not in compliance with the Board's November 16th decision.

Chairman Beauregard then recognized Ms. Barrett to address the Board as to where they were at the moment with regard to resolving their outstanding issues, in order to get an approved and proper manager in place, which has been lacking for the past year.

Ms. Barrett stated, we've been in contact with Dan at the DUA and Richard Senecal with the DOR ... when we spoke with Mr. Senecal today ... he stated he was going to give us a new payment plan ... from \$2,100 a month ... he was going to drop it to \$1,000.00 a month ... but he said he wouldn't send it to us ... unless we got the license back ... and with the DUA ... they've adjusted the payments to \$195.86 ... it was \$288.00 before.

Chairman Beauregard responded to Ms. Barrett's comments by asking, so with just those two expenses ... which would be \$1,200.00 a month roughly ... which based on what you stated to the Board at the last meeting ... you have 18 members ... so before you even open the doors ... you have a monthly expense of \$1,200.00 ... so I'm asking you based on what you stated to this Board ... with 18 members ... before you pay any rent to Mr. DeMello ... before you purchase any alcohol ... before you do anything ... you have a \$1,200.00 expense ... you still need to heat the building ... you need electricity ... you have to pay your help ... how do you do that with 18 members?

Ms. Barrett responded, I figured ... once we opened ... we could start making the money back ... but like I said before ... me and my husband have already been donating ... so the thing is ... so once we get back into the club ... we plan on doing different functions ... and keeping things moving.

Ms. Barrett then stated ... hopefully ... between my husband, who is the proposed new manager ... and myself, as the incoming treasurer, we can keep things moving in a positive manner ... we're doing an audit to try to figure things out ... it's a little difficult ... I'll admit that ... but the club does make money ... it's not like it's not making money ... we've had people that weren't doing what they were supposed to be doing.

Chairman Beauregard responded by asking ... again ... how do you make money with 18 members? ... that's not my number ... that's the number you gave to the Board.

Ms. Barrett responded, we do functions ... we do rentals and stuff like that ... so we gain extra money here and there.

Chairman Beauregard responded, so, part of the deal with us is that all of this had to be resolved by December 14th ... we've been dealing with this for a year now ... and the deal was at the last meeting ... that if the application wasn't submitted and the taxes weren't under agreement ... that we were not going to renew (revoke) the license ... and sitting here now ... neither has been completed ... we haven't had a manager in place for well over a year.

In response to Ms. Barrett's insistence that they have agreements in place with the DOR and the DUA, Chairman Beauregard responded, in the past we've been told the same thing ... if we do this ... this happens ... then we step up to the plate and we do our end of the deal ... and whoever ... and I'm not saying you ... or the previous regime ... but we've had multiple previous administrations that have come and sat in front of us ... and nobody has kept their end of the bargain ... except us.

When asked by Commissioner Almeida as to how much more time they would need, Ms. Barrett responded, I don't think it would be that much longer.

When asked by Commissioner Almeida if the club had any money in their kitty now, Ms. Barrett stated that they did not but they still have liquor, that's still there.

When asked by Commissioner Almeida if they had the \$2,300.00 to pay the 2016 liquor license fee, Ms. Barrett stated that her and her husband would pay the fee on Wednesday.

When asked by Commissioner Craig as to where the money would come from, since the club had no funds, Ms. Barrett stated, it would come from my personal funds.

Commissioner Craig responded, are you sure you want to put yourself in this deep ... it looks to me that you're fighting a never ending battle ... it seems to me that this situation just seems keeps going on and on and on ... it's obvious to us that your intentions are good ... I think you should really think twice about this ... I think you're digging yourself a hole for which you'll be sorry ... whatever you put into it ... what you're willing to put up now ... how are you going to get that back ... honestly?

Commissioner Almeida added that's \$4,500.00 ... and that's with nothing else ... that's just the first tax payments and the liquor license fee.

Ms. Barrett responded, I guess we would have to take a loss!

Commissioner Craig responded, I think we would be doing you a favor to deny this myself.

Chairman Beauregard then called for a motion.

Commissioner Almeida stated that it was his feeling that because the club failed to meet the deadline, that the license should remain suspended.

Ms. Barrett responded, the thing is ... I know they ran it like it was a bar but it's not a bar ... not to me ... to me ... it means much more than that ... I would really like to get the club back to its roots ... to what it was supposed to be ... an athletic club ... helping out the community ... these are things that I want to do ... that's why I'm back into it ... and trying to fight for it.

Chairman Beauregard responded, quite frankly Ms. Barrett ... a lot of these ... and I understand where it came from ... like the Panther's Club ... but a lot of them have just run their course ... the younger generation isn't as into it as the older generation ... you don't have them hanging around ... wives aren't as tolerant as they were years ago ... there's a big difference between my mother and my wife ... sometimes you just have to say that the era is over ... you put up a good fight ... and I think this might be it ... let's say you have 30 members ... I don't know how many you have ... let's say you have 60 ... you still don't have enough to sustain the organization ... you're going to say ... let's put on a drive ... the Vets is struggling ... the Band Club is struggling ... everybody is going after the same people to keep their places alive ... to re-iterate Commissioner Craig's comments ... we may be doing you a favor ... I think he worded it very well ... you'd be spending good money after bad for a building you don't own ... obviously there's some hard feelings between the landlord and the organization ... otherwise he would not have bailed out after the last meeting ... the more we go ... we had the accountant sitting here at one meeting ... and he was working with him and he was going to turn it around ... he gave us the same rah ... rah speech ... and we're still back here again saying ... give us the license.

Chairman Beauregard then asked Commissioner Almeida if his motion was to revoke (not renew) or to continue the suspension of the license, to which Commissioner Almeida responded, it's to continue the suspension depending on how much time they would need.

Commissioner Almeida once again noted that the club would have to come up with the \$2,300.00 for the renewal fee, as well as another \$1200.00 for the first two tax payments in order to get their license back.

Mr. Nanopoulos made it clear to Ms. Barrett, that if the Board did approve the renewal and voted to keep the suspension in place until January to give the club additional time to complete their application and resolve their issues with the DUA and DOR; and if for some reason that doesn't get done, the Board could take action at that time to revoke the license, and she would be out of the \$2,300.00. Mr. Nanopoulos made it clear that the only thing the ABCC would accept is the actual Certificate of Good Standing from the DOR.

Ms. Barrett stated she understood and that she would take that chance.

Commissioner Craig reaffirmed with Ms. Barrett that she understood what was explained to her, to which Ms. Barrett responded, I do ... I do ... I'll take that chance.

With that, Commissioner Craig seconded the motion which was put to a vote by Chairman Beauregard.

VOTED: On a motion by Commissioner Almeida, on a second by Commissioner Craig, **the Board voted 2-1**

with Chairman Beauregard voting against, to continue the suspension and table the matter until the January Meeting.

Following the vote, Mr. Nanopoulos instructed Ms. Barrett as to what the club needed to do to complete the process by the January meeting, and warning her once again that the Board could revoke the license at that January meeting, if the club does not submit the documents that are still outstanding.

The following written decision was issued to the licensee on 12/23/15:

Per your recent hearing to determine whether you have violated certain regulations of the Alcoholic Beverages Control Commission, specifically M.G.L. Ch. 138, sec. 64-and M.G.L. Ch. 138, sec. 12 (failing to complete the process of updating your officers, directors, and manager) this Board took the following action:

Based on the organization's failure to secure a certificate of good standing from the Department of Unemployment Assistance (DUA) and the Department of Revenue (DOR), as well as failing to submit a completed application by the imposed deadline; the Board voted to continue with the suspension of your license until January 11, 2016 allowing you additional time to provide this office with the DUA/DOR certificates and a completed application. **This continuance is contingent upon you paying the 2016 license renewal fee.**

---NOTICE TO APPEAR---

You are also hereby notified that your presence (Donald Soares, President) and that of Dulceiann Mello, Manager and Mary Barrett-Maciel, Treasurer are requested at a hearing to be held in **City Hall, Room 314 on Monday, January 25, 2016 at 7:00 p.m.** to review your suspension.

- **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman **Dated –11/10/15** **Received –11/18/15**

Re: Swamini, LLC d/b/a Zully's Wine & Spirits **1240** **Kempton Street**

Notice of Hearing Date: Tuesday, December 15, 2015 @ 10:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: **M.G.L. CH. 138, sec. 34 – Sale of Delivery of an alcoholic beverages to a person under twenty-one (21) years of age.**

Date of Alleged Violation: Thursday, September 10, 2015 at approx. 4:34 p.m. **(ABCC Investigation & Hearing)**

ACTION TAKEN: Received & Placed on File.

From: City Council Agenda **Dated –**
12/17/15

WRITTEN MOTION, Councilor Rebeiro, requesting, that the City Council approve Adoption of a Home Rule Petition – AN ACT authorizing the City of New Bedford to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to Section 15, Chapter 138 of Massachusetts General Laws, to the establishment located at 801 Purchase Street, in the City of New Bedford, known as Crush Beverage Company, Inc., the licensing authority shall not approve the transfer of the license to any other locations; and further, that this matter also be referred to Representative Cabral for processing.

L3a. AN ACT,

ACTION TAKEN: Received & Placed on File.

- **COMPLAINTS RECEIVED:**

---NONE--

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

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

- **2016 Liquor license Renewals**

There were a total of **184** liquor licenses granted as renewals for the year **2016**.

There was **1 Retail Package Store Wine & Malt Only Beverage License**, which was not signed by the licensee during the month of November as required by law; therefore, the license was not renewed for '2016'.
The license reverted back to the city. (Under Quota)
Abacadabra Flower & Gift Services, Inc. – Lic. # 07780223

There was **1 Veterans Club All Alcohol Beverages License**, which was not signed by the licensee during the month of November as required by law; therefore, the license was not renewed for '2016'.
The license was a non- quota license.
Andrews Dahill Post #1531, Veterans of Foreign Wars of the U.S., Inc. – Lic. # 07780111

There was **1 Club All Alcohol Beverage License**, which was not signed by the licensee during the month of November as required by law; therefore, the license was not renewed for '2016'.
As a result, the total number of On Premise All Alcohol Beverages licenses issued by the City of New Bedford is reduced by one (1). (Over Quota).
Whaling City Club, Inc. – Lic. # 07780040

Voted: To approve all the 2016 Liquor License renewals; which were signed during the month of November. -
Unanimous

- **NEXT TWO MEETING DATES:** Monday, January 25, **2016** & Monday, February 29, **2016**, both in Room 314 - **Approved**
- **MEETING ADJOURNED:** 7:35 p.m.