



# Licensing Board

February 29, 2016 – 7:00 PM – **Agenda**  
City Hall, 133 William Street, Room 314

**LICENSING BOARD MEETING**

**-AGENDA-**

**Monday, February 29, 2016**

**Room 314 – 7:00 p.m.**

**REQUIRED: Steven A. Beauregard, Chairman**

**Marcelino “Sonny” G. Almeida, Commissioner**

**Edmund F. Craig, Jr., Commissioner**

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

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

**Nick Nanopoulos, Director**

**FINAL AGENDA**

**APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**Change of Manager - Trans. # 174 – Plot # 18--107**

**People’s Liquor Store, Inc. d/b/a Douglas Wine & Spirits, Inc., 446 Dartmouth Street, is requesting the approval of Thorpe J. Doran, who resides at 942 Howland Street, South Dartmouth, MA. as their new manager.**

**Approved By ABCC – 02/04/16**

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

**Portuguese Sports Club, Inc., Francisco Tavares, (new) President, who is petitioning for a Change of Officers and Directors of the Club All Alcoholic Beverages license. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Francisco Tavares will be the President, Joao Vasslo will be the Vice-President, Paul Santos will be the Treasurer, and Mario Tavares will be the Secretary. All are Directors. Premises will remain the same at 56 Delano Street.**

**Approved By ABCC – 02/04/16**

**1. Request To Be Heard**

A written request from Kevin Santos regarding a planned expansion of the Waterfront Grille’s outside patio area from 806 sq. ft. to 2,000 sq. ft.; as well as a request for expanded hours for outside entertainment.

**2. PETITION - Trans. # 110 – Plot # 19--48**

**The Sky Room, Inc. d/b/a The Sky Room, John E. Williams, Pledge Holder, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Howland Mills Restaurant, Inc. d/b/a The Sky Room. Upon approval, John E. Williams will be the President, Co-Director, and Co-Shareholder (50%); and Curtis J. Mello will be the Treasurer, Secretary, Co-Director, Co-Shareholder (50%), and Proposed Manager. The description of the premises will remain the same as follows: The license premises consists of five (5) rooms to include one (1) VIP Room w/bar, two (2) Function Rooms w/bars, one (1) Game Room, and one (1) Main Entertainment Room with a bar, DJ Booth, and Stage Area with a Dance Floor; along with a Kitchen and Storage Area on the fourth floor of a commercial building within an area approx. 17,000 Sq. Ft.**

There are three (3) entrances/exits in the front of the building and an emergency exit in the back of the building; the area is also accessible by an elevator and escalator. Premise is situated on the west side of Orchard Street and

is numbered **651 Orchard 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'**.

*Application has been advertised*

**3. PETITION - Trans. # 231 – Plot # 28--287**

**Expedito Duarte d/b/a Expo's II**, who is petitioning as an individual for a **New Retail Package Store Wine and Malt Only Beverages License**. The proposed licensed premises is a convenience store located on the first floor of a two-story building in an area approximately 1,930 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as three (3) coolers and shelving for the sale and display of alcohol; the area also includes an office and a room for storage. Alcohol will also be stored in the basement. There are two (2) entrances/exits in the front of the building, as well as one exit located at the rear of the building. The premise is situated on the west side of Dartmouth Street between Edward and Stowell Street, and will be numbered **309 Dartmouth Street**.

Final approval will require a **'Certificate of Inspection'** from the Building Department.

*Application has been advertised; Abutters been notified.*

**4. APPLICATION, (No Representation Required)**

**The YMCA, Tara Pacheco, Executive Director**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Party for a Cause – 'Mardi Gras' Fundraiser", to be held at the **New Bedford YMCA Southcoast**, located at **25 South Water Street**; and to be held on **Saturday, February 27, 2016 from 7:00 p.m. until 11:00 p.m.**

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

**5. APPLICATION, (No Representation Required)**

**"Healing Little Hearts", Kelly Weglowski, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their "9<sup>th</sup> Annual Healing Little Hearts Gala & Auction", to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, March 5, 2016 from 6:00 p.m. until 11:30 p.m.**

**6. APPLICATION, (No Representation Required) – LATE FILE**

**New Bedford Whaling Museum, Cassie Poirier, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Sailor Series Lecture & Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 10, 2016, from 6:00 p.m. until 10:00 p.m.**

**7. 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/ Reception' to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, March 18, 2016, from 6:00 p.m. until 8:00 p.m.**

**8. APPLICATION, (No Representation Required) – LATE FILE**

**New Bedford Whaling Museum, Cassie Poirier, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Sailor Series Lecture & Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 24, 2016, from 6:00 p.m. until 10:00 p.m.**

**9. APPLICATION, (No Representation Required)**

**Global Learning Charter Public School, Christina Rebello, Kelly Weglowski, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '12<sup>th</sup> Annual Scholarship Fundraiser', to be held at the **New Bedford Whaling Museum**, located at **18 Johnny**

**Cake Hill; and to be held on Saturday, April 2, 2016 from 5:00 p.m. until 9:00 p.m.**

**10. APPLICATION, (No Representation Required) – LATE FILE**

**New Bedford Whaling Museum, Cassie Poirier, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a ‘Sailor Series Lecture & Reception’ to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Thursday, April 7, 2016, from 6:00 p.m. until 10:00 p.m.**

**11. APPLICATION, (No Representation Required)**

**Immigrants Assistance Center, Inc., Helena DaSilva Hughes, Executive Director, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a ‘45<sup>th</sup> Anniversary Fundraiser’ to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Friday, April 8, 2016, from 6:00 p.m. until 10:00 p.m.**

**12. APPLICATION, (No Representation Required) – LATE FILE**

**New Bedford Whaling Museum, Cassie Poirier, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a ‘Sailor Series Lecture & Reception’ to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Thursday, April 14, 2016, from 6:00 p.m. until 10:00 p.m.**

**13. APPLICATION, (No Representation Required) – LATE FILE**

**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 ‘Celebratory Dinner’ to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Tuesday, April 26, 2016, from 5:00 p.m. until 10:00 p.m.**

**14. APPLICATION, (No Representation Required)**

**New Bedford Heritage Center, Laura Orleans, Representative, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a ‘Cocktail Party Fundraiser’, to be held at the New Bedford Heritage Center, located at 38 Bethel Street; and to be held on Wednesday, April 27, 2016 from 4:30 p.m. until 6:30 p.m.**

**15. APPLICATION, (No Representation Required)**

**Coastline Elderly Services, Inc., Jessica Peck, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a ‘Beer & Wine Tasting Fundraiser’ to be held at the Fort Taber Community Center, located within Fort Taber Park; and to be held on Friday, May 13, 2016, from 6:00 p.m. until 9:00 p.m. (*Liquor Liability with the City named as additionally insured on certificate is required.*)**

**16. APPLICATION, (No Representation Required)**

**Downtown New Bedford, Inc., Diane Arsenault, Executive Director, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for their ‘10<sup>th</sup> Annual Taste of the Southcoast’, which will be held under a tent on Pier 3; and to be held on Sunday, May 15, 2016 from 12:00 p.m. until 5:00 p.m. (*Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract HAVE BEEN submitted.*)**

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

**17. APPLICATION, (No Representation Required)**

**Buttonwood Park Zoological Society, Inc./Fun 107, Michelle Gomes, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a Red, White, & Brew @ the Zoo Beer Festival’, to be held within the Buttonwood Park Zoo; and to be held on Friday, May**

**20, 2016, from 5:30 p.m. until 8:00 p.m. (Liquor Liability with the City named as additional insured on certificate is required/along w/Copy of the Police Detail Contract) - 21+ Event”**

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

**Tabled at 01/25/16 Meeting**

**18. 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.**

**Minutes of 12/21/15 Meeting**

**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 the 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 14<sup>th</sup> 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 16<sup>th</sup> 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 14<sup>th</sup> ... 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 to keep 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 Beaugard 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 Beaugard 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 Beaugard 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 Beaugard.

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

***Present: Atty. Michael Medeiros along with Donald Soares, President, John L. Maciel, Proposed New Manager, and Mary Barrett-Maciel, Treasurer***

When asked by Chairman Beauregard as to where they were with regard to resolving their tax issues in order to complete their application, Atty. Medeiros stated the following:

The club has entered into a payment plan with the DUA and they will sign off on the application when it's sent up, but we are still working with the DOR to reach an agreement on a payment plan. As you know, there was an application filed with other parties involved on behalf of the YA Club, and that application was not approved by the ABCC, and was therefore rescinded by the Board tonight, as a result of two of the parties involved resigning their positions. However, unfortunately, those parties reached an agreement with the DOR on a payment plan to receive a Certificate of Good Standing, which they did; but they only made one payment and that agreement is no longer valid, so we're attempting to reach another agreement with the DOR in order to get a new Certificate of Good Standing. The problem now is that the person working with it at this time is not authorized to approve the new agreement because the previous parties did not abide by the agreement that was in place, so it needs to go to the supervisor (Mr. McDougal) for approval and he's been out of the office for a couple of weeks. So they're waiting to hear from him, he hasn't said no. So at this point, I would ask the Board if we could continue this matter for a month or whenever the next hearing is, so that we can try to negotiate with Mr. McDougal in an attempt to get a new agreement that would allow the club to receive a new Certificate of Good Standing.

When asked by Commissioner Craig if the agreement amount was for \$1,000.00 a month, as stated at the last meeting; Ms. Barrett stated that was the number but they weren't going to put it in writing until the club gets the license back, but we can't get the license until we get a new agreement that would allow us to receive a new Certificate of Good Standing.

When asked by Commissioner Almeida as to when they anticipated they would have an answer from Mr. McDougal, Atty. Medeiros responded, I may find out tomorrow that it's a yes ... I may find out tomorrow that it's a no ... we're hoping to find out as soon as possible.

Commissioner Almeida stated that it was his feeling that the Board ... keep the suspension in place for another 30 days ... until the next meeting ... but that will be the cutoff date ... if you don't have it by February ... that will be it ... that's going to be my motion.

**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 February Meeting.**

**Decision Notice Dated 02/01/16**

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 Revenue (DOR) by the imposed deadline, the Board voted to continue with the suspension of your license until February 29, 2016. This decision will allow you one last opportunity to provide this office with the required DOR

Certificate of Good Standing to complete your application.

**---NOTICE TO APPEAR---**

You are also hereby notified that your presence 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, February 29, 2016 at 7:00 p.m.

It is the opinion of the Board that we have accorded your organization sufficient time to resolve your outstanding issues with the DOR; therefore, the Board may consider the revocation of your license for failing to comply with the Laws of the Commonwealth.

**NOTE: Certificate of Good Standing Was Submitted On 02/24/16**

**Tabled at 01/25/16 Meeting**

**19. PETITION - Trans. # 141 – Plot # 25-A-25 - Certificate of Good Standing Has Been Received**

**Young Cape Verdean Athletic Association, Inc., Donald S. Soares, (new) President**, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Donald Soares will be the President, Blaine Ferguson will be the Vice President, Mary Barrett-Maciel will be the Treasurer, and Norma Morrero will be the Secretary; and Bonaventura J. Barboza, III, Paul Massey, Jose Jorge, and Maria Wanyoike will all be Co-Directors. **John Maciel** will be the **New Manager**. Premises will remain the same at **418 South Front Street**.

*(No Advertisement nor Abutters Notification Required)*

***Present: Atty. Michael Medeiros along with Donald Soares, President, John L. Maciel, Proposed New Manager, and Mary Barrett-Maciel, Treasurer***

**VOTED:** The Board, on a motion by Commissioner Almeida **voted unanimously to table the matter until such a time that a Certificate of Good Standing is submitted**

**Tabled at 11/26/15 Meeting**

**20. 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 discuss your plans for your liquor license for the year 2016.

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.

**11/16/15 Decision**

**VOTED:** Commissioner Almeida made a motion **to table the matter until the Board's 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 she 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**  
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.

**Tabled at 11/26/15 Meeting**

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

**Mr. Shang Ying Zhao, Manager of LLC**

**114-116 Nauset Street**

**Approved 06/03/14 – Renovations**

Your presence is respectfully requested at a hearing to discuss your plans for your liquor license for the year 2016.

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.

**11/16/15 Decision**

**VOTED:** Commissioner Almeida made a motion to **table the matter until the Board’s 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**  
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.

**Rec’d 02/17/16** – A written request to table the matter until the March Meeting, due to the fact that the licensee will be out of the country from 02/17/16 – 03/09/16; the licensee also stated that he has signed a P & S to sell his business.

**22. Hearing: Lobo’s Lounge, Inc. d/b/a Washington Square Package Store**

**Mr. Jose A. Lobo, Owner**

**281 County Street**

**Closed 10/26/15 – Licensee Decision**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. 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 2016.

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 Retail Package Store All Alcoholic Beverages License.

**Tabled at 01/25/16 Meeting**

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

**Mr. Jose G. Borges, Jr., Owner**

**289 Acushnet Avenue**

**New Bedford, MA. 02740**

**Closed/Fire 01/26/15 – Ongoing Renovations**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016.

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 the ‘current’ status of your renovations, which should include a proposed opening date.

**Minutes of 09/21/15 Meeting:**

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

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

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

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

**As well as any other changes you wish to make.**

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

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of

your General on Premise All Alcoholic Beverages License.

**The following update was submitted by Atty Edward J. Sylvia on behalf of the Euphoria Lounge on 12/21/15:**

1. "Sitec" was retained to complete a detailed survey of the property to exactly determine where the property boundary lines are located.
2. As a result of the survey, it was determined that the property has 37 inches beyond the west boundary of the building (slightly more property than previously determined).
3. "Sitec", after an engineering determination, is planning to remove enough of the rear of the building (west end) to properly contract a code complaint exit.
4. I have been advised that "Sitec" and its engineers are designing the building and handicap access to be completely code compliant.
5. "Sitec" is designing the removal of the existing sidewalk and installing a new, fenced, code compliant, handicap ramp to empty onto the north boundary of the building, rather than the south side of the building into the neighboring parking lot.

**Present: Jose G. Borges, Jr., Owner**

When asked by Chairman Beauregard to update the Board as to where he was in the process, Mr. Borges reviewed the letter that was submitted on 12/21/15 by Atty. Sylvia on his behalf and stated that a plan regarding the handicap ramp, which is currently pending with the ADA Board in Boston; and that the engineer was awaiting that approval in order to formalize the renovation plans, in order to submit them to Mr. Romanowicz and the Board for approval.

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

- **CORRESPONDENCE**

**From: Kim S. Gainsboro, ABCC Chairman**

**Dated -02/03/16 Received**

**-02/03/16**

**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**

**DECISION: The Commission suspends the license for two (2) days along with three (3), which were being held in abeyance for a previous violation; for a total of five (5) days to be served commencing on Wednesday, February 3, 2016.**

**The licensee is required to deliver the license to the Local Licensing Board on Wednesday, February 3, 2016 at 9:00 a.m.; the license will be returned to the licensee on February 8, 2016.**

**REVISED DATES: The licensee is required to deliver the license to the Local Licensing Board on Wednesday, March 30, 2016 at 9:00 a.m.; the license will be returned to the licensee on Monday, April 3, 2016.**

- **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME VIOLATION</u>	<u>POLICE REPORT#</u>	<u>DATE</u>
1. Dublin's Sports Bar & Grille Patron	16 – 1804 – OF	02/17/16      Fight/ Assaulted With Knife/ Victim Underage

---LATE FILE---

• **Upcoming Summer Events & Festivals**

- 9<sup>th</sup> Annual Taste of the South Coast (Pier 3) – May 15<sup>th</sup> - “Applied/“No Changes”
- **Cinco De Mayo Celebration** – May (March Meeting?)
- **Summer Concert Series** – July thru Sept. (April Meeting?)
- **Day of Portugal** – June (April Meeting?)
- **Cape Verdean Day Parade** – July (May Meeting?)
- **New Bedford Summerfest** – July (May Meeting?)
- **Irmandade Do Divino Espirito Santo Do Pico** – July (May Meeting?)
- **Feast of the Blessed Sacrament (Madeira Feast)** – Aug. 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, & 7<sup>th</sup> (June Meeting?)

• **ANNUAL REPORT 2015 (Informational Only)**

In accordance with **Chapter 138, s10A of the Massachusetts General Laws**, relative to the granting of licenses for the sale of alcoholic beverages, we are pleased to submit herewith a full report of the actions of the New Bedford Licensing Board for the year **2015**.

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)*

**Abracadabra Flower & Gift Services, Inc. – Lic. # 07780223**

There was **1 Veterans Club All Alcohol Beverages License**, which were 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**

There was **1 New Common Victualler Wine & Malt License Approved in 2015.**

**Tia Maria’s European Café (Tia Maria’s Café, Inc. d/b/a) - Lic. # 077800229**

There was **1 New Club All Alcohol License Approved in 2015.**

**Irmandade do Divino Espirito Santo do Pico, Inc. - Lic. # 077800230 (Special Legislation Lic.)**

There was **1 New Retail Package Store Wine & Malt License Approved in 2015.**

**Crush New Bedford (CUVE Wine, LLC d/b/a) - Lic. # 077800228**

There was **1 Seasonal License** granted as a renewal in **2015.**

**The Edge Hospitality, LLC d/b/a The Edge Tiki Bar– Lic. #077800226 (Not Included In the 184 Total)**

The number of licenses of each class renewed for **2016** is as follows:

Common Victualler---All Alcoholic	85
Common Victualler---Wine & Malt (6 Days)	3
Common Victualler---Wine & Malt (7 Days)	15
General on Premise ---All Alcoholic	17
General on Premise---Wine & Malt (7 Days)	2
Clubs---All Alcoholic	24
Retail Package Stores---All Alcoholic	23
Retail Package Stores---Wine & Malt	12
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
<b><u>Total Licenses</u></b> .....	<b><u>184</u></b>

**Special One - Day Licenses Granted in 2015:**

Special One Day All Alcoholic Beverages Licenses.....	<b><u>113</u></b>
Special One Day Wines and Malt Beverages Licenses.....	<b><u>64</u></b>

Revenue received from the various classifications of licenses during **2015:**

**New Common Victualler Wine & Malt Only** license granted to **Tia Maria’s Café, Inc. d/b/a Tia Maria’s European Café– Lic. Issued on 06/17/15**  
\$1,800.00

**New Club All Alcohol Malt Only** license granted to **Irmandade do Divino Espirito Santo Do Pico, Inc. - Lic. Issued on 11/10/15**  
\$383.00

**New Retail Package Store Wine & Malt** license granted to **CUVE Wine, LLC d/b/a Crush New Bedford – Lic. Issued on 04/13/15**  
\$1,650.00

**Change of Classification** from a **Club All Alcoholic Beverages License** (N.B. Lodge No. 73 - BPO Elks) to a **Common Victualler (Restaurant) All Alcoholic Beverages License** (Quahog Republic, inc. d/b/a Whaler’s Tavern) – **Lic. Issued on June 18, 2015**

\$378.00

**Renewals:**

2 Innholder All Alcoholic Beverages Licenses	
\$9,000.00	
85 Restaurant All Alcoholic Beverages Licenses	
\$250,750.00	
3 Restaurant Wines and Malt Beverages (6 DAY)	\$5,100.00
15 Restaurant Wine and Malt Beverages (7 Day)	\$27,000.00
17 General on Premise All Alcoholic Beverages Licenses	\$51,000.00
2 General on Premise Wine and Malt Beverages	\$3,700.00
24 Club All Alcoholic Beverages Licenses	\$55,200.00
23 Retail Package Goods Store All Alcoholic Beverages Licenses	\$55,200.00
12 Retail Package Goods Store Wines and Malt Beverages Licenses	
\$19,800.00	
1 Farmer-Winery Pouring Permit	\$1,300.00
1 Seasonal License	\$1,500.00
113 Special One - Day All Alcoholic Beverages Licenses	\$16,150.00
64 Special One - Day Wines and Malt Beverages Licenses	
\$6,550.00	
65 Filing Fees	\$6,500.00
<b>Total Revenue.....</b>	<b>.....</b>
<b>\$512,961.00</b>	

Schedule of License Fees for 2015 are as follows:

Innholder All Alcoholic Beverages	\$4,500.00
Restaurant All Alcoholic Beverages	\$2,950.00
Restaurant Wines and Malt Beverages - 7 Days	\$1,800.00
Restaurant Wines and Malt Beverages - 6 Days	\$1,700.00
General on Premise All Alcoholic Beverages	\$3,000.00
General on premise Wine and Malt Beverages	\$1,850.00
Club All Alcoholic Beverages	\$2,300.00
Club Wines and Malt Beverages	\$1,450.00
Retail Package Goods Store All Alcoholic Beverages	\$2,400.00
Retail Package Goods Store Wines and Malt Beverages	\$1,650.00
Farmer Series Pouring Permit (Winery)	\$1,300.00
Restaurant All Alcoholic Beverages (Seasonal)	\$1,500.00
Special One-Day All Alcoholic Beverages (Over 2 Hrs.)	\$150.00
Special One-Day All Alcoholic Beverages (1-2 Hours)	\$125.00
Special One-Day Wines and Malt Beverages (Over 2 Hrs.)	\$125.00
Special One-Day Wines and Malt Beverages (1-2 Hours)	\$100.00
Filing Fees	\$100.00

The foregoing is a correct statement of the number of liquor licenses, the fees charged for same, and the total amount of revenue received from the licenses by the **New Bedford Licensing Board for the year 2015.**

- **NEXT TWO MEETING DATES: March 28<sup>th</sup> & April 25<sup>th</sup> , both on Mondays, in Room 314**
- **MEETING ADJOURNED:**

