



Licensing Board

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

LICENSING BOARD MEETING

-AGENDA-

Monday, August 29, 2016

Room 314 – 7:00 p.m.

REQUIRED: Steven A. Beaugard, Chairmam

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

A/O 08/24/16

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New Wine & Malt License - Trans. # 231 – Plot # 8--36

Kaitlyn Duarte d/b/a Expo’s, 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 three-story building in an area approximately 1,316 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes two rooms for storage in the rear of the building. Alcohol will also be stored in the basement. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located at the rear of the building. The premise is situated on the east side of Brock Avenue, between Charles and Aquidneck Streets, and will be numbered **332 Brock Avenue**.

Final approval will require a ‘**Certificate of Inspection**’ from Inspectional Services.

Approved By ABCC – 07/25/16

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

Casa Do Benfica No. 27, Inc., Jose M. Toledo, 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, Jose M. Toledo will be the President, David Fernandes will be the Vice-President, Michael Mendonca will be the Treasurer, and Jose Brasil will be the Secretary; and Vasco DaSilva, Joao Martins, and Paulo Cordeiro will all be Co-Directors. **Daniel Da Costa** will remain as the **Manager**. Premises will remain the same at **1484 Acushnet Avenue**.

Approved By ABCC – 08/03/16

Change of Officers & Directors - Trans. # 132 – Plot # 19-108-A

Loyal Order of Moose, Inc. d/b/a New Bedford Lodge, #914, David Jorge, (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 David Jorge will be the President, Jose Jorge will be the Vice-President, William McGee will be the Treasurer, and Danny Johnson will be the Secretary; and Derrick Cabral, Murray Gonzalez, Donald Andrade, Brian Chipelo, and Robert Bessette will all be Co-Directors. **Danny Johnson** will remain as **Manager**. Premises will remain the same at **119 Rockdale Avenue**.

Approved By ABCC – 08/11/16

Transfer of License - Trans. # 122 – Plot # 119-13

Kellie E. Moreau d/b/a Shooter's Billiards, Kellie E. Moreau, Sole Owner, who is petitioning to **transfer a General on Premise Wine & Malt Only Alcoholic Beverages License** to **Jere A. Espejo d/b/a Shooter's Pub**. Upon approval, **Jere A. Espejo** will be the **Sole Interest Holder and Manager**. Premises will remain the same at **2112 Acushnet Avenue**.

Approved By ABCC – 08/11/16

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Altering of Premises/Change of Description - Trans. # 010 – Plot # 47--2

Sapatinha's Café, Inc. d/b/a Euphoria Lounge, Jose Borges, Jr. President, who is petitioning to **Alter the Premises** and to **Change the Description** of the **General on Premise All Alcoholic Beverages License**. Upon completion of the renovations due to a fire, the existing location will consist of an area approximately 1,730 sq. ft., on the first floor of a one-story building, which will include one room with a bar and lounge area with seating for seventeen (17) patrons, a dining room with seating for forty-four (44) patrons, a kitchen (proposed), and two restrooms; with an additional storage area in the basement. The main entrance is located on the southeast corner of the building onto Acushnet Avenue; along with one (1) additional entrance/exit in the rear of the building into the parking lot. The premises is situated on the southeast corner of School Street and Acushnet Avenue, and numbered **289 Acushnet Avenue**.

Disapproved By ABCC – 08/03/16 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt
Application to be sent back to the ABCC "For Reconsideration", only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved.

1. PETITION - Trans. # 031 – Plot # 23--9

161 Highland Avenue, Inc. d/b/a Trio Restaurant, 418-420 Rivet Street, is requesting the approval of **Paul T. Rodrigues**, who resides at **16 Belmont Street, Fall River, MA.** as their new manager.

2. PETITION - Trans. # 104 – Plot # 47--37

VVK Realty, LLC, Gregory Kulpinski, Manager of LLC, for a license currently issued at **1494-F East Rodney French Boulevard**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Moby Dick Brewing Company, Inc., who is also requesting a Change of Location**. Upon approval, David N. Slutz will be the President, Co-Director, and Co Shareholder (16.6%), Peter T. Kavanaugh will be the Treasurer, Co-Director, and Co-Shareholder (16.6 %), and Robert V. Unger will be the Secretary, Co-Director, and Co-Shareholder (16.6%), and Richard Lafrance, Maureen Sylvia Armstrong, and Randall T. Weeks, Jr. will all be Co-Directors and Co-Shareholders (16.6 % Each). **Richard Lafrance** will be the **Manager of the Liquor License**. The proposed new brew house will consist of an area approximately 4, 700 sq. ft. on the first floor of a two-level building (2nd Floor Not Included), which will include a Brewing Room, a Dining Area with Bar Area, a Conference/Private Dining Room, a Retail Store Area, Kitchen Area with Storage Area, an Office Area, and Four (4) Handicap Accessible Restrooms. The premises will have one (1) entrance/exit in the front of the building onto Union Street, one (1) entrance/exit onto South Water Street, and two (2) emergency/service exits in the rear of the building that lead directly into both the kitchen and storage areas. There will be additional storage in the basement. The proposed licensed premise is situated on the southside of Union Street, between JFK Memorial Highway, and will be **numbered 52 Union Street. (Final Licensing Board Approval Required Upon Completion of the Renovations)**

Final approval will require a **'Certificate of Inspection'** from the Building Department, a **'Food Permit'** from the Health Department, and a copy of **'Proof of Liquor Liability'**.

Application has been advertised; Abutters have been notified

3. PETITION - Trans. # 019 – Plot # 53--68

Candleworks Ventures, LLC, Andrew F. Rockett, Manager of LLC, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Carmine’s, NB, Inc. d/b/a Carmine’s**. Upon approval, Albert Santos will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); **Jessica Cabral** is the **Proposed Manager**. The proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License to Baycoast Bank** with an address of **330 Swansea Mall Drive, Swansea, MA.** as security to authorize and execute a promissory note in the amount of **One Million, Six Hundred Sixty –Two Thousand, and Five Hundred Dollars (\$1,662,500.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Premises will remain the same as follows: The licensed premise will consist of an area approx. 3,280 sq. ft., on the first floor of a four –story building, which will include a dining area and lounge area with a bar, and a kitchen; with two restrooms in the front foyer and an additional area, approx. 750 sq. ft., for the storage of alcohol in the sub-basement. There is also an outdoor patio area, approx. 870 sq. ft., for dining that is contiguous to the main dining room on the north side of the building that is accessible from the dining room. There is one entrance/exit in the front of the building that leads onto North Water St., along with an additional entrance/exit on the east side of the building that leads into the parking lot; and an additional entrance/exit from the patio area into the parking lot. Premise is located on the east side of North Water Street between Elm and Rodman Streets, and is numbered **72 North Water Street**. Final approval will require a **‘Certificate of Inspection’** from the Building Department, a **‘Food Permit’** from the Health Department, and a copy of **‘Proof of Liquor Liability’**.
Application has been advertised; Abutters notification not required

4. PETITION - Trans. #232 – Plot # 78--101

E Z Convenience & Gas, LLC d/b/a Mutual Mart, Hitesh Patel, Manager of LLC, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Hitesh Patel will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC. **Hitesh Patel** will also be the **Manager of the Liquor License**.

The proposed licensed premises is a convenience store located on the first-floor of a one-story building in an area approximately 2,200 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes two rooms for the storage of alcohol. There is one (1) entrance/exit in the front of the building, as well as one additional entrance/exit located on the south side of the building leading into the storage rooms, which will be used for deliveries only.

The premise is situated on the east side of Purchase Street, between Austin and Linden Streets, and will be numbered **1800 Purchase Street**.

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

Application has been advertised; Abutters have been notified

5. PETITION - Trans. # 174 – Plot #XX--XX (No Representation Required

People’s Super Liquor Store, Inc. d/b/a Douglas Wine & Spirits, John Haronian President, who is petitioning for a **Change of Director of the Retail Package Store All Alcoholic Beverages license**. The petitioner is requesting that the resignation of James W. Clarkin, Co-Director, who is currently on file with the Alcoholic Beverages Control Commission, be accepted; and that **Elizabeth Walker** be approved as the **new Co-Director**. Upon approval, John Haronian will remain as the President, Treasurer, Secretary, Co-Director, and Sole Interest Holder (100%); and **Elizabeth Walker** will be a **Co-Director**. Thorpe J. Doran will remain as the Manager. Premises will remain the same at **446 Dartmouth Street**.

(No Advertisement nor Abutters Notification Required)

6. PETITION - Trans. # 167 – Plot # 123--43 (No Representation Required)

New Bedford Wine & Spirits, Inc. d/b/a Douglas Wine & Spirits, Jarod M. Santoro, President, who is petitioning for a **Change of Sole Director of the Retail Package Store All Alcoholic Beverages license**. The petitioner is requesting that the resignation of James W. Clarkin, Co-Director, who is currently on file with the Alcoholic Beverages Control Commission, be accepted; and that **Craig Power** be approved as the **new Sole**

Director. Upon approval, Jarod M. Santoro will remain as the President, Treasurer, Secretary, and Sole Interest Holder (100%); and **Craig Power** will be the **Sole Director**. Kathleen Mello will remain as the Manager. Premises will remain the same at **500 King's Highway**.
(No Advertisement nor Abutters Notification Required)

7. PETITION - Trans. # 094 – Plot # 18--107 (No Representation Required)

St. Michael Social Club, Inc., Joao Medeiros, 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, Joao Medeiros will remain as the President, Chris Pereira will be the (New) Vice-President, Rodolfo Botelho will remain as the Treasurer, and Luis Pacheco will remain as the Secretary; and Jose Soares, Paul Amaral, and Paulo J. Pacheco will all remain as Co-Directors. Joao Raposo, Joe Avelar, Jorge Amaral, Roberto Bento and Fernando Pacheco all have been added as "New Co-Directors". **Joao A. Raposo** will remain as the **Manager**. Premises will remain the same at **101 Madeira Avenue**.
(No Advertisement nor Abutters Notification Required)

8. Hearing: St. Michael Social Club, Inc. – "NO FURTHER ACTION REQUIRED"

Joao A. Raposo, Manager
101 Madeira Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

You have until **August 22, 2016** to submit an application for a **Change of Officers and Directors** that reflects your current slate of officers.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2016 Liquor License**. Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

9. Hearing: Panthers Athletic Club and Social Club, Inc.

Jeffrey W. Baker, Manager
43-45 Madeira Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations.

This hearing is being held as a result of your failure to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

You have until **August 22, 2016** to submit an application for a **Change of Officers and Directors** that reflects your current slate of officers.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2016 Liquor License**. Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Your failure to appear will result in the automatic suspension of your license.

NOTE: An incomplete application was submitted on 08/18/16.

Tabled on 07/25/16

10. Hearing: De Abreu & Sons, Inc. d/b/a Fortuna Grill

Mr. Manuel De Abreu Dos Reis, Owner/Manager
288 Union Street

Closed on 07/01/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your liquor license. Based on the findings as presented at the hearing, the Licensing Board may take action to revoke your license.

As previously notified, 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*. The regulation states that all 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.

Per our March 28, 2016 hearing, you indicated that the license had been sold and upon the signing of a purchase and sales agreement, you would begin the process of transferring the license. Based on this information, the matter was tabled until our May 23, 2016 hearing in which you failed to attend. Please be reminded that you have been granted seven (7) hearings with this board since the closure of your establishment in July of 2014.

At our March meeting, I indicated that you have been afforded ample opportunity to sell the license and strongly advised you move this license accordingly to avoid this board from having to take an adverse action.

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.

Your failure to appear as requested will result in the automatic revocation of your license.

Written Decision of 07/25/16:

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, this Board, based on the information you provided in which you stated that you’ve agreed to sell your license, and that the license would remain at the same location, **voted unanimously to table the matter until this Board’s August 29, 2016 meeting.**

An application for Transfer of License must be submitted as soon as possible but no later than Friday, August 26, 2016.

As discussed, your failure to comply will result in the Board having to revoke your license for non-use as allowed under Ch. 138, sec. 77. (*The licensing authorities may, after hearing or reasonable opportunity therefore, 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.*)

Your license has been inactive since July 1, 2014 and you have been afforded ample opportunity to take action.

We strongly advise that you apply immediately for a Certificate of Good Standing from the DOR and sign whatever transfer documents that require your signature, to avoid our having to take revocation action.

NOTE: A P & S Agreement has been place on file, an application for transfer will be e-filed in time for the September 26th meeting. – Table to September Meeting.

Tabled on 09/21/15

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

Mr. Carlos A. Santos, President

601 Second Street

Closed 08/28/15 – Licensee Decision

Prior Renewal Hearings: (1)

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 prior to this Board considering approval of your 2017 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.

09/21/15 Decision

The Board voted unanimously to approve your renewal for 2016 and to table the matter until this Board's June 27, 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.

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.

Minutes of 08/29/16 Meeting

Licensee did not appear as requested.

12. APPLICATION, Representation Required

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Play on Purchase Street' event to be held **within an enclosed area on Purchase Street contiguous to the Pour Farm Tavern**, located at **780 Purchase Street**; and to be held on **Thursday, September 1, 2016, from 6:00 p.m. until 8:00 p.m.**

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

13. APPLICATION, Representation Required

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Belgian Beer'd Fest' to be held **within Wing's Court**, and to be held on **Sunday, October 9, 2016, from 12:00 p.m. until 7:00 p.m.**

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

Note: Event may extend into the street, pending City Council approval.

14. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '7th Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 27, 2016, from 6:00 p.m. until 11:00 p.m.**

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

15. APPLICATION, (No Representation Required)

Centro – Luso American Club, Inc., John Tomasia, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Hawaiian Luau Cookout', to be held in the **Club Parking Lot**, located at **34 Beetle Street**; and to be held on **Saturday, September 17, 2016, from 1:00 p.m. until 8:00 p.m.**

16. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Marianne Conley Hodgson, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their ‘11th Annual New Bedford Seaport Chowder Festival’, to be held on **Pier 3**; and to be held on **Sunday, September 25, 2016 from 12:00 p.m. until 5:00 p.m.**

*(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract) ****NO CHANGES, AS PREVIOUSLY APPROVED*****

17. APPLICATION, (No Representation Required)

South Coast Business Alliance, Nick Francis, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their ‘10th Annual Oktoberfest Fundraiser’ to be held within the **New Bedford State Pier Building**, located at **93 State Pier**; and to be held on **Saturday, October 1, 2016 from 3:00 p.m. until 11:45 p.m. (Last call will be at 11 p.m.)** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)...**NO CHANGES, AS PREVIOUSLY APPROVED***

18. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc., Michelle Gomes, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Howl Halloween Party’ to be held within the **Buttonwood Park Zoo**; and to be held on **Thursday, October 27, 2016, from 7:00 p.m. until 10:00 p.m.**

19. APPLICATION, (Change of Ownership)

Eusebio Famanian, who resides at **23 Sycamore Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Famanian’s Auto Sales & Service**, with premises situated at **699 Brock Avenue**.

Note: Site is currently licensed to **Dave A. Rego d/b/a Dave’s Auto Sales**, whose license must be surrendered upon approval; site has been previously approved for the display of **Twelve (12) cars** by the Office of Inspectional Services.

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

20. Hearing: Furtado’s Auto Sales & Service

Mr. Simon Furtado, Licensee
805 Brock Avenue

Your presence is requested at a hearing due to your failure to maintain your premises in accordance with requirements of a Motor Vehicle Class II license. Based on the findings, the Licensing Board may take action to revoke your license.

The hearing is being held at the request of the Commissioner of Buildings because of your failure to comply with their request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you’ve been approved. It has also been reported that body work and painting of cars are being performed outside and in the evenings.

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

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License**. Depending on the Board’s findings, you may be required to surrender your license until this matter is resolved.

21. Hearing: Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub

Phillip C. Beard, Manager/Owner

672-674 Pleasant Street

Your presence is requested at a hearing to determine whether you may have violated provisions of ABCC and Licensing Board Rules and Regulations. The Board will also review other complaints filed with this office as it pertains to possible late night disturbances and public safety. Based on their findings, the Licensing Board may take action to modify or suspend your license; and if warranted, a roll back of hours may be considered. They are as follows:

Violations: Alcoholic Beverages Control Commission 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, this includes the use or sale of illegal narcotics.

Note: Indications of illegal narcotics use include persons making frequent trips in and out of the premises, or in or out of the restrooms, persons who receive a large number of phone calls or who are visited at the premises by an unusually large number of people at frequent intervals or persons who appear to be making exchanges of small packages or payment of money – Guide to M.G.L., ABCC.

Licensing Board Regulation No. 10, 11, 12, 14, & 19-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive hilarity, noise, crowds and objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule. Sales of beverages to be taken off the premises are prohibited, unless the premises are licensed as a package store. Premises must at all times be kept safe; 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 Incidents and Concerns

This office has received several Police reports (as referenced below) regarding incidents involving highly intoxicated patrons and disturbances on or about your premises resulting in patrons being assaulted and open container violations; as well as possible incidents of serving after hours and drug activity on or about the premises.

Based on the number of complaints received as listed below, it has become necessary for a hearing to be held to review any possible liquor and safety violations:

Ref. #16 – 1489 – AR - 05/31/16 @ 12:23 a.m. - Assault on a Law Enforcement Officer

Ref. #16 – 7520 – OF - 06/21/16 - Disturbance/Man Assaulted

(Follow-Up Investigation & Charges)

Ref. #16 – 1781 – AR - 06/22/16 @ 4:10 p.m. - Open Container Violation

Ref. #16 – 1897 – AR - 06/30/16 @ 1:29 p.m. - Open Container Violation

Ref. #16 – 8021 – OF - 07/01/16 @ 8:52 p.m. - Disturbance/ Patron Related/Stabbing

Ref. #16 – 8077 – OF - 07/03/16 @ 2:09 a.m. - Serving to Intoxication/Serving After Hours

Ref. #16 – 1982- AR - 07/07/16 @ 10:27 p.m. - Serving to Intoxication

Ref. # 16 – 21339- AR - 07/20/16 @ 9:43 p.m. –Possible Drug Activity on Premises

Police Call Log (Since 01/22/16):

- Disturbances (21)
- Drunk Disturbing (3)
- Fight in Progress (2)
- Direct Patrol (5) – Since 06/17/16

22. Hearing: Hungry Whale Hospitality Group, Inc.

d/b/a Hungry Whale Pub
Phillip C. Beard, Manager/Owner
672-674 Pleasant Street

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

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the Superior Court. (As noted in Chapter 138, sec. 12 -)

• **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman

Dated -06/27/16 Received

-06/30/16

Re: Loyal Order of Moose, Inc. d/b/a N. B. Lodge #914

119 Rockdale Avenue

Notice of Hearing Date: Tuesday, July 26, 2016 @ 3:00 p.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:

204 CMR 2.05 (1) – Permitting Gambling;

204 CMR 2.05 (2) – Permitting an illegality on the licensed premises to wit; M.G.L. CH. 140, sec. 177A (6) – No Person keeping or offering for operation, or allowing to be kept or offered for operation, any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

Date of Alleged Violation: Friday, February 26, 2016 at approx. 1:00 p.m. (ABCC Investigation & Hearing)

DECISION: The Commission suspends the license for a period of five (5) days of which two (2) days will be served, and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the licensee must not possess in or on the licensed premises any automatic amusement devices or video poker machines. Suspension to be served on 10/05/16 & 10/06/16

• **COMPLAINTS RECEIVED:**

---NONE---

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. United Fisherman Club	#16 – 9108 – OF	07/24/16	Fight/Underage Persons (Approximate Time of Violation 1:36 a.m.)
2. Tony's Bar & Grill Bar	#16 – 2495 – AR	08/20/16	Disturbance/Fight Inside of (Approximate Time of Violation 12:46

a.m.)

#16 – 2495 – AR
Bar

08/20/16

Disturbance/Fight Inside of

(Approximate Time of Violation 12:46

a.m.)

- **NEXT TWO MEETING DATES:** September 26th & October 24th both on Mondays in Room 314
- **MEETING ADJOURNED:**