



Licensing Board

March 28, 2016 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

PRESENT: Steven A. Beauregard, Chairman
Marcelino “Sonny” G. Almeida, Commissioner
Edmund F. Craig, Jr., Commissioner
Atty. John A. Markey, Jr., Asst. City Solicitor
Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.
Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF February 29, 2016 - Unanimous

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer - 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 licensed 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**.

Disapproved By ABCC – 03/16/16 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

VOTED: To accept the application back from the ABCC, and to re-submit the application to the ABCC “for reconsideration”, only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

1. PETITION - Trans. # 070 – Plot # 53—231 A & B (No Representation Required)

Matterhorn RE, LLC d/b/a Cork Wine & Tapas Bar, 90 Front Street, is requesting the approval of **Jason P. Lanagan**, who resides at **35A Union Street, New Bedford, MA. as their new manager**.

Present: Applicant was excused from appearing

Voted: Based on Mr. Lanagan’s prior experience, Commissioner Almeida made a motion to approve the petition as presented; and to forward the application to the Alcoholic Beverages Control Commission for their approval. –

Unanimous

2. PETITION - Trans. # 083 – Plot # 53--198A

DNB, LLC d/b/a DNB Burgers, Amelia Ruvich, Manager of LLC, who is petitioning to **Change the Description of the Common Victualler (Restaurant) Wine & Malt Only Beverages license to include an additional room for dining**. The room, which will include a bar with seating for seven (7) patrons, five (5) two-top tables, and three (3) six top round tables, will be located in an area approximately 504 sq. ft that is contiguous to the existing licensed premises. The area will be accessible by way of a small step up from the existing area, as well as by way of a common area in the rear of the building; and through an entrance/exit on the east side of the building. There will be two additional restrooms in said common area for patron use. (No alcohol shall be allowed or consumed in this common area.) The premise will remain numbered **22 Elm Street**.

Application has been advertised; Abutters have been notified.

Present: Amelia Ruvich and Joshua Lemaire, Co-Owners

Responding to questions from Chairman Beauregard, Ms. Ruvich stated they were looking to open up another 500 sq. ft. to be used for additional dining space, which includes a bar with about seven (7) seats, which they would like to tap at some point; and they would have additional table seating to satisfy larger parties of patrons, and that there would not be any entertainment.

When asked by Chairman Beauregard as to what her total seating would be, Ms. Ruvich stated, the total for both rooms would be about 45 to 50 seats, which would roughly double our current seating.

Voted: Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – Unanimous

3. PETITION - Trans. # 067 – Plot # 30--316

Park Restaurant, Inc., Carla Medeiros, President, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **Ambiance Park Café, Inc.** The proposed transferee is also requesting a **Change of License Type from a sec. 12 General on Premise All Alcoholic Beverages License to a sec. 12 Restaurant All Alcoholic Beverages License**. The proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License** to **Carla Medeiros** with an address of **42 McCormick Street, Dartmouth, MA.** as security to authorize and execute a promissory note in the amount of **Forty Thousand Dollars (\$40,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Upon approval, **Olimpia J. Goncalves** will be the President, Clerk, Co- Director, and Co-Shareholder (50%); and **Lionel Goncalves** will be the Treasurer, Co-Director, and Co-Shareholder (50%). **Olimpia J. Goncalves** is the **Proposed New Manager**.

The previously approved description will remain the same as follows: The licensed premises consist of one room, with seating for thirty (30), kitchen w/ stock area, and two (2) restrooms, on the first floor of a one-story building. There is one (1) entrance/exit in the front and one (1) exit in the back of the building.

Premise is situated on the north side of Rivet Street between Briggs and Bolton Streets and **numbered 369 Rivet 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; Abutters have been notified.

Present: *Atty. Donald Perry along with Olimpia J. Goncalves, Co-Owner and Proposed Manager; and Lionel Goncalves, Co-Owner*

Responding to questions from Chairman Beauregard, Atty. Perry stated on behalf of his clients, that his clients wished to maintain it as it is, adding that the space is limited to about 30 seats with full hours; and that they would be serving food and there would not be any entertainment.

Chairman Beauregard responded to Atty. Perry's comments by asking if the plan was to be open until 2.a.m. and if food would be served until that time; or would it become a bar after 10:00 p.m.

Mr. Goncalves responded that he wasn't sure what the kitchen hours would be at this time, to which Chairman Beauregard responded, I understand ... but we have to know what you're doing ... because if we approve you for the transfer of the license ... and from 10p.m. to 2 a.m. the kitchen is not open ... and you're no longer a restaurant ... and now you've become somewhat of a bar on Rivet Street ... we're going to have a lot of neighbor complaints ... if we didn't do our due diligence.

Mr. Goncalves stated that they would like to be approved for the full amount of hours allowed, and if they had to come before the Board to change it, they would at a later date, once they see how things go.

Chairman Beauregard responded, we may change them for you, if you do is not what you're proposing in your business plan here tonight; in that you're running a restaurant and not a nightclub or a bar on Rivet Street.

When asked by Commissioner Almeida as to how late would the restaurant be open, Mr. Goncalves stated that the current license is issued to 2 .a.m. but the current owner doesn't stay open that late; and that they would have to see how it goes to determine the kitchen hours.

When asked by Commissioner Almeida as to what type of food they planned on serving, Mr. Goncalves responded, Cape Verdean and Portuguese style food.

Commissioner Almeida responded, until 2 o'clock in the morning? To which Ms. Goncalves responded, no, probably burgers and fries and things like that.

When asked by Chairman Beauregard as to how many hours they would be on site, Ms. Goncalves responded, probably 35 – 40 hours a week.

When asked by Chairman Beauregard if she was still working her full time job in Boston, Ms. Goncalves responded, I am now, yes; but once the application is approved, I'll have to decide if I'm still going to work full time or part time in Boston.

Chairman Beauregard responded we need to know how many hours a week you plan on being at the restaurant because we're approving you for a 7-day restaurant license; we need to know that there will be proper management on site at all

times.

Ms. Goncalves stated that her job would allow her to be there on Friday, Saturday, and Sunday, times when they anticipated they would be the busiest.

When asked by Chairman Beauregard if she was T.I.P.S. Certified, Ms. Goncalves stated that she was not but she planned on getting her certification.

Voted: On a motion by Commissioner Almeida, the Board voted unanimously to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Goncalves 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 her servers be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed.

VOTED: Commissioner Almeida made a motion to take up **Item #'s 4 – 14** at one time; waive reading; and approve the applications as presented – **Unanimous**

4. APPLICATION, (No Representation Required)

Club Madeirense-S.S. Sacramento Club, Inc., Edward Camara, Jr., Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “St. Patrick’s Day Dinner Fundraiser”, to be held at the **S.S. Sacramento Club**, located at **50 Madeira Avenue**; and to be held on **Saturday, March 19, 2016 from 5:00 p.m. until 10:00 p.m.** ****NO CHANGES, AS PREVIOUSLY APPROVED****

5. 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 ‘Rozalia Project for a Clean Ocean Reception’, to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 31, 2016 from 6:00 p.m. until 9:00 p.m.**

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

Brian Costa, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “Surprise Birthday Party”, to be held at the **Low Tide Yacht Club**, located within **Fort Taber Park**; and to be held on **Saturday, April 2, 2016 from 4:00 p.m. until 11:00 p.m.**
(Liquor Liability with the City named as additional insured on certificate is required)

7. APPLICATION, (No Representation Required) – LATE FILE

New Bedford Art Museum/Artworks!., Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located in **608 Pleasant Street**; and to be held on **Saturday, April 2, 2016, from 1:00 p.m. until 3:00 p.m.**

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

New Bedford Art Museum/Artworks!., Jamie Uretsky, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located in **608 Pleasant Street**; and to be held on **Sunday, April 24, 2016, from 3:00 p.m. until 5:00 p.m.**

9. APPLICATION, (No Representation Required)

Cinco De Mayo Celebration Committee, Javier Rojas, Representative, who is requesting pre-approval of an application for a **Special One Day All Alcoholic Beverages License**, for their ‘**10th Cinco De Mayo Celebration**’, to be held ‘**on Rivet Street**’ between **Acushnet Avenue** and **South Second Street**; and to be held on **Saturday, May 7, 2016, from 12:00 p.m. until 11:00 p.m. (Last call at 10:30 p.m.)**

*(Liquor Liability with the City named as additional insured on certificate is required/along w/Copy of the Police Detail Contract) **NO CHANGES, AS PREVIOUSLY APPROVED***

10. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Viva Portugal Fundraiser”; to be held **in the street under a tent**, located at **684-686 Purchase Street**; and to be held on **Saturday, May 7, 2016, from 8:00 p.m. until 11:45 p.m.**

*(Liquor Liability with the City named as additional insured on certificate is required/along w/Copy of the Police Detail Contract) **NO CHANGES, AS PREVIOUSLY APPROVED***

11. APPLICATION, (No Representation Required)

Bristol Community College Foundation, Wayne Wood, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Business After Hours' to be held at **Bristol Community College**, located at **800 Purchase Street**; and to be held on **Thursday, May 12, 2016, from 5:00 p.m. until 7:00 p.m.**

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

Southcoast Media Group, Michelle Coombs, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an 'Awards Ceremony', to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, June 2, 2016 from 5:30 p.m. until 7:30 p.m.**

13. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Inc., Manuel Da Fonte, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Fundraiser/Summer Festival' celebration to be held in the **Association Parking Lot**, located at **2056 Acushnet Avenue**; and to be held **Friday, June 24, 2016, from 5:00 p.m. until 11:00 p.m., Saturday, June 25, 2016, from 4:00 p.m. until 11:00 p.m., and Sunday, June 26, 2016, from 12:00 p.m. until 10:00 p.m. (Final approval will require a copy of the Police Detail Contract)**

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

14. APPLICATION, (No Representation Required)

The Monte Pio Luso Americano Corp., Helder Almeida, Treasurer, requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for their 'Annual Holy Ghost of Acores Feast' to be held in the 'Club Parking Lot', located at **540 Orchard Street**, and to be held on **Friday, July 15, 2016 and Saturday, July 16, 2016, from 6:00 p.m. until 11:45 p.m. each night; and Sunday, July 17, 2016, from 12:00 p.m. until 10:30 p.m.**

(Copy of the Police Detail Contract Required)

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

15. APPLICATION,

Francisco J. Rosales, who resides at **223 State Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Universal Autos Sales & Repairs, Inc.**, with premises situated at **1519 Purchase Street**. The proposed new location consists of a block & wood building, which includes a two (2) bay repair garage, an office, and bathroom. There is an outside display area approximately 4,600 sq. ft., which is blacktopped. All repairs will be done on the premises.

Note: Approved for the display of Ten (10) cars by the Office of Inspectional Services. **(New Location)**

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.

Present: Francisco J. Rosales, Applicant

Responding to questions from Chairman Beaugard, Mr. Rosales stated that both he and his cousin went to school in their country to repair cars, and they would like to have the opportunity to sell and repair cars at this location; he added that they would only be doing repairs on the cars that they sell, and that there would not be any junk cars stored on the lot.

When asked by Chairman Beaugard if he had any experience in selling cars, Mr. Rosales stated that he did not but his cousin does, and that he would be doing the repairs.

When asked by Chairman Beaugard as to what year of cars they would be selling, Mr. Rosales stated that the cars would not be any older than 2005, and again stated that they would not deal with any junk cars.

Chairman Beaugard warned Mr. Rosales that he didn't want to see any junk cars on the lot nor did he want to see any repairs being done in the lot, as well seeing any car parts in the lot.

When asked by Chairman Beaugard as to who would be doing their auto body work, Mr. Rosales stated that he did not know at this time, to which Chairman Beaugard instructed Mr. Rosales that he needed to inform Mr. Nanopoulos as to who it would be.

VOTED: Commissioner Almeida made a motion to approve the application as presented for the display of Ten (10) cars, as approved by Inspectional Services; pending receipts of all outstanding documents. – **Unanimous**

****Mr. Nanopoulos informed the Board that item #'s 16-18 were for the same location, and that it was a case of a new owner taking over an existing business previously owned by Mr. Gomes, and that Mr. Tieu has been operating the business since January. Mr. Nanopoulos made a recommendation that the Board take up all three items at the same time and approve the applications as presented with the same amount of cars as previously approved for each license.**

16. APPLICATION, (No Representation Required)

Cahn Tieu, who resides at **909 Maplewood Street, N.B., MA.** is requesting approval of an application for a **Motor Vehicle Auto Body Repair Shop license** for **Cahn and Joe Corp. d/b/a Autobot.** The **previously approved** licensed premises consists of a cement building, approximately 76' x 39', which has four (4) overhead doors with space to store ten (10) cars, an office, and two restrooms; the building also includes a self contained spray booth, approximately 14' x 24', is equipped with a filtration system, The entire 20,000 sq. ft. premises, which includes an area for the storage of towed cars, is enclosed by a chain link fence.

The facility, which was **previously approved for Priming, Painting, and Spaying**, is situated on the west side of Beacon Street, and is numbered **191 Beacon Street.**

Note: Site was previously licensed to **Jose C. Gomes, Inc. d/b/a Joe's Automotive**, and was previously approved for the storage of **Fifty (50) cars** by the Office of Inspectional Services. (**New Owner Application**)

Final approval of the Motor Vehicle Auto Body Shop License will require a '**Change of Tenant**' from the **Office of Inspectional Services**, and a **copy of their RS#.**

Present: *Applicant was excused from appearing*

17. APPLICATION, (No Representation Required)

Cahn Tieu, who resides at **909 Maplewood Street, N.B., MA.** is requesting approval of an application for a **Motor Vehicle Auto Body Repair Shop "Annex" License** for **Cahn and Joe Corp. d/b/a Autobot**, with premises situated at **191 Beacon Street.**

Note: Site was previously licensed to **Jose C. Gomes, Inc. d/b/a Joe's Automotive**, and was previously for the storage of **Fifty (50) cars** by the Office of Inspectional Services. (**New Owner Application**)

18. APPLICATION, (No Representation Required)

Cahn Tieu, who resides at **909 Maplewood Street, N.B., MA.** is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Cahn and Joe Corp. d/b/a Autobot**, with premises situated at **191 Beacon Street**

Note: Site was previously licensed to **Jose C. Gomes, Inc. d/b/a Joe's Automotive**, and was previously for the display of **Twenty (20) cars** by the Office of Inspectional Services. (**New Owner Application**)

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

VOTED: Commissioner Almeida made a motion to take up Item #'s16 through 18 at one time; waive reading; and approve the applications as presented, for the amount of cars as previously approved by Inspectional Services; pending receipts of all outstanding documents. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove item #19 from the table and to re-open the hearing – **Unanimous**

(Tabled at 02/29/16 Meeting)

19. 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.

02/29/16 Decision

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

Relative to the proposed project at 218-226 Union Street, Atty. Markey updated the Board as to where his client currently stood in the process of receiving the required approvals from the city in order to submit a transfer application, which would allow his client to start the renovations of the proposed new location; as well as informing them that certain agreements

regarding financing and a possible tenant were close to being finalized, and once those were in place, an announcement on the project would be made, which he believed would occur within a week. Atty. Markey stated that his client had a meeting scheduled with city department heads on March 4th.

Atty. Markey asked if the matter could be tabled until the Board's next meeting, at which time he would be in a better position to give the Board a more accurate timeline and information with regard to the project, after having that meeting with the department heads.

VOTED: Commissioner Almeida made a motion **to table the matter until the March 28th Board meeting. - Unanimous Present: Atty. Christopher M. Markey along with Arthur DeMello, Property Manager for the Columbus Group**

When asked by Chairman Beauregard as to where they were in the process, Atty. (Christopher) Markey stated the following: We're getting there ... we have a meeting before the planning Board on April 6th for a Special Permit for which an application has been submitted on March 11th ... the review process is going through by each department ... what we're basically looking for is a special permit for a reduction in parking ... if approved, we will be issued a demolition permit ... and the process will begin to develop the property ... we did sign after the last meeting with Board ... a management agreement with Waterford Hotels ... who will be in charge of the hotel, as well as the food and beverage ... so we are now making sure it develops ... it's going to take a while ... before it's all done.

When asked by Chairman Beauregard, so the plan is not to open up the first floor prior to the hotel being completed, Atty. Markey responded, they're going to attempt to do that ... but Waterford ... who are the professionals ... they're a little concerned about doing that before ... but I really think it depends on what the ability of what this Board is ... to stretch out that time a little bit more.

When asked by Chairman Beauregard as to how long were they looking at, Atty. Markey responded, some point next year ... I know it's a long time ... but one of things was ... that there was a liquor license available and we received the approval in December of 2014.

Atty. Markey concluded his remarks by explaining to the Board that they've been working since then to get to where we are at this point in the process; adding that he's expressed the Board's concern to his client.

When asked by Commissioner Craig as to what he thought a reasonable length of time to wait to see if it's actually going to happen, Atty. Markey responded, I would think ... we're at the April meeting ... May is the appeal period with regard to the permits issued by the Building Department ... I would say in June ... there should be demolition of it and construction should be started before that date ... if we get the building permit by May 6th as planned ... we should be up and running by June 6th (demolition & construction.).

When asked by Chairman Beauregard, so the only thing that could scapegoat the project now is someone coming in and adamantly opposing the project; but once you get the permit, it's a given you're going forward with the project, to which Atty. Markey responded, absolutely ... 100% ! Everything else is in place ... it's just waiting on the permitting process. Commissioner Craig suggested that it would probably be reasonable to wait until June to see where the project is at that point to determine it's something that going to happen or if never going to happen, adding, we'll probably have a better idea at that point.

Atty. Markey responded, I know my client and Arthur as well, have been trying to convince Waterford that it's in our interest to try to get something going in the building.

Responding to questions from Chairman Beauregard, Atty. Markey stated that the plans are to go from the corner space on Pleasant Street (old WBSM space) through the old XS nightclub Space with the hotel above it, and they discussed opening some portion of the first floor, be it the restaurant or the small function area.

VOTED: Commissioner Craig made a motion **to table the matter until the June 27th Board meeting. - Unanimous**

VOTED: Commissioner Almeida made a motion to remove item #20 from the table and to re-open the hearing – **Unanimous**

(Tabled at 02/29/16 Meeting)

20. 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.

Minutes of 02/29/16 Meeting:

Present: Mr. Lobo was excused from appearing.

A letter was submitted by Mr. Lobo requesting that the matter be tabled to the Board’s April 25th meeting, which the Board **voted unanimously to receive and place on file; and to approve the request.**

Present: Jose J. Lobo, Owner

Mr. Lobo informed the Board that he’s been dealing with some personal financial issues and that since his closing, he’s been working on getting them resolved; and that during that process he’s had some offers for his business.

Mr. Lobo stated that due to the fact that he couldn’t resolve all his issues, he’s decided to sell the store, and that he would be signing a P & S by tomorrow to sell the license only, and that the new owner would be leasing the space from him with an option to buy the building to keep the store at that location.

VOTED: Commissioner Almeida made a motion **to table the matter until the June 27th Board meeting. - Unanimous**

VOTED: Commissioner Almeida made a motion to remove item #21 from the table and to re-open the hearing – **Unanimous**

(Tabled at 02/29/16 Meeting)

21. 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 to 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 compliant 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.**

Minutes of 02/29/16 Meeting:

Present: Mr. Borges was excused from appearing.

Mr. Nanopoulos informed the Board that Mr. Borges came in and stated that he had nothing new to report, since his application had not gone before the ADA Board in Boston as of yet, but it was scheduled to be heard in the next two weeks; and that he would be in a better position after that hearing to give the Board a better update.

Mr. Nanopoulos informed the Board that he made an administrative decision to excuse him from appearing tonight, since he had nothing new to submit to the Board; and recommended that the matter be tabled to the next meeting.

VOTED: Commissioner Almeida made a motion **to table the matter until the March 28th Board meeting. - Unanimous**

Present: Jose G. Borges, Jr., Owner

Responding to questions from Chairman Beauregard, Mr. Borges stated that the ADA Board in Boston approved his variance and that they would be sending a letter in 14 days stating the same; but the Director already called Danny Romanowicz and let him know that's been approved, and that Danny called his contractor to inform him that he could come in and pull a permit to start the renovations, which would be done tomorrow.

When asked by Chairman Beauregard as to what he would exactly be doing, Mr. Borges stated, because this process took so long ... I've decided not to put the kitchen in at this point ... the main entrance is going to be on the Acushnet Avenue side on the south corner of the building ... the handicap ramp is going to be where the doors are now.

When asked by Chairman Beauregard if he'd be encroaching upon Mr. Whalen's land from there, to which Mr. Borges responded, I had it surveyed and I actually have more land than they said I did; so that's why I was able to get the variance for the back door.

Mr. Borges continued his comments by stating, so I'm going to have a ramp from my back door out to the sidewalk onto School Street, and the back door will be used for handicap access only, as well as an emergency exit only.

When asked by Chairman Beauregard, how about at the end of the night, Mr. Borges responded, at the end of the night ... everyone will go out the front door only ... the front door will be the main entrance and exit ... you come in through that door ... and you go out through that door ... the back door is for handicap accessibility only ... of course ... if there is a fire ... they can leave anyway they want ... and that's going to be noted on the front door ... as well as on the back door ... and I'll make sure on the nights that I do entertainment ... I'll have somebody posted at the back door ... Ill make sure I control it ... it's for handicap only ... if you want to smoke ... if you want to end your night ... you go out the front door.

When asked by Chairman Beauregard as to what the kitchen area would be used for until it's built out, Mr. Borges stated that the area would remain unfinished and enclosed with sheetrock, and that it would be used for storage; and that if things go good ... maybe in 6-12 months ... hopefully, we will be able to put the kitchen in ... and that the downstairs would also be used for storage only,

When asked by Chairman Beauregard as to what his allowed occupancy would be, Mr. Borges responded, when it's set up for a restaurant ... my capacity is 98 ... because I'm not sprinkled ... with 61 total seats.

When asked by Mr. Nanopoulos as to when he anticipated having an application ready to be submitted for any changes

he's made in the description or in the corporation, Mr. Borges responded, I was just waiting for this whole process to be completed ... but I can come in to see you next week to go over what I need to do.

VOTED: Commissioner Almeida made a motion to table the matter until the June 27th Board meeting. - **Unanimous**

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

Mr. Manuel De Abreu Dos Reis, Owner/Manager

288 Union Street

Closed 07/01/14 – License for Sale

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

Minutes of 11/16/15 Meeting

Present: Manuel De Abreu Dos Reis, Owner along with Maria G. DeAbreu, Treasurer

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

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

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

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

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

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

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

Present: Manuel De Abreu Dos Reis, Owner along with George DeAbreu

Responding to questions from Chairman Beauregard, Mr. (George) DeAbreu stated on behalf of his father that they've agreed to sell the license who planned to transfer the license to the old “Puzzles/Rainbow Lounge” location on North Front Street; but they hadn't signed a P & S as of yet because the buyer first had to set up a corporation for himself.

When asked by Chairman Beauregard as to what the time frame would be for an application to be submitted for transfer, Mr. DeAbreu responded, as soon as he establishes a corporation ... we'll sign a P & S ... he has the money ... he has the funds.

VOTED: Commissioner Almeida made a motion to table the matter until the May 23rd Board meeting. – **Unanimous**

Upon taking the vote, Chairman Beauregard advised Mr. DeAbreu once again, that the Board had afforded him ample opportunity to take action, and that the Board would strongly advise that he makes every attempt possible to activate this license to avoid having the Board to take revocation action.

23. Hearing: Royal Food & Beverage Co. d/b/a Royal II

Mr. Manuel Escobar, Co-Owner/President

123 MacArthur Drive

Closed 09/08/15

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

Present: Luis DaSilva, Representing Albert J. Santos, Proposed Buyer

Responding to questions from Chairman Beauregard, Mr. DaSilva stated that Mr. Santos has signed a P & S with the current licensee and that they should have plans ready to be submitted to Inspectional Services for approval in about 2-3 weeks, with regard to the interior renovations; and that they were planning to open in October of this year.

Mr. Nanopoulos advised Mr. DaSilva that they needed to submit an application by July 1st, so that it may be reviewed to be put on the July agenda, in order for it to be approved by the ABCC in time for their planned opening in October.

Mr. Nanopoulos informed Mr. DaSilva and the Board that along with transfer, the application would have to include a change of description to include any and all changes including the addition of the 3rd floor, which being planned to be used as a banquet hall; and a change of license type from a GOPAA to a CVAA.

VOTED: Commissioner Almeida made a motion **to table the matter until the June 27th Board meeting.** – **Unanimous**

24. Hearing: VVK Realty, LLC

Mr. Gregory Kulpinski, Owner

1494-F East Rodney French Boulevard

Transfer Approved 08/28/15/Renovations

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

Minutes of 11/16/15 Meeting

Present: Mr. Kulpinski was excused from appearing.

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

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

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

Present: Mr. Kulpinski was excused from appearing.

Mr. Nanopoulos informed the Board that Mr. Kulpinski came in to see him, and that he informed him that he was still awaiting on approval from DEP, and that he would be better prepared to give an update to the Board in April. Based on that conversation, he was told that the matter would be tabled to the April meeting, and that he would not have to appear.

VOTED: Commissioner Almeida made a motion **to table the matter until the April 25th Board meeting.** – **Unanimous**

25. Hearing: Vallas Enterprises, Inc.

d/b/a Premium Liquors

Mr. Sakellarios Vallas, Co-Owner/President

1926 Purchase Street

Closed 02/22/16

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 your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Present: Mr. Vallas was excused from appearing.

Mr. Nanopoulos asked Atty. Markey to give an overview of the status of the license as a result of his conversation with Atty. Lonardo for TD Bank and Atty. Madoff, who’s the Trustee for the bankruptcy.

Atty Markey stated that it was his understanding that the licensee filed for bankruptcy as an individual ... but the corporation was not included in the bankruptcy ... and that the Trustee, who’s charged with gathering information for the bankruptcy ... stated that the value of this license is so minimal compared to what’s owned on the land ... it’s their intention not to chase down the corporation to get the license to use that money to pay off the individual creditors ... but there has been some effort by TD Bank who loaned money to the company ... to come in now and to try and see if they can take the liquor license to sell ... which we’ve seen in some other cases ... so we basically told the bank that they have thirty (30) days to try to do something ... and that they needed to communicate with us if they planned to go to court to get an injunction to stop it from being revoked ... if not, ... and the path seems to be that the bank doesn’t want to pursue it ... and the licensee is abandoning it ... then the Board would take action ... if both walk away ... but it would be up to the Board.

Note: Since that meeting, upon checking with the ABCC, the City is still RPSAA license above the quota, if the license is not transferred or renewed, it would be lost to the city.

VOTED: Commissioner Almeida made a motion to table the matter until the April 25th Board meeting. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove item #26 from the table and to re-open the hearing – **Unanimous**

(Tabled at 12/21/15 Meeting)

26. 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 be held in this office 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.

Minutes of 12/21/15 Meeting

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’s 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 March Board meeting.

Present: Nabih Moujabber, Licensee

Responding to questions from Chairman Beauregard, Mr. Moujabber stated that he was moving his restaurant to

Mattapoisett at the former Mattapoisett Chowder House location, and that he still hadn't decided as to what he wanted to do with his wine & malt license; and that he's undecided if he wants to open another location in the city to be run by his children at either the current location or at the car barn location.

When asked by Mr. Moujabber as to how much longer would he be able to hold onto his license as long as he continues to pay the renewal fee, adding that if he had to get rid of it, he's already talked to a few people who are interested; to which Chairman Beauregard responded, the fire was in July of 2014 ... it's already going on two years ... and you've already bought the building in Mattapoisett ... if we gave you until June ... do you think you'll have a game plan ... we can keep going much longer with this.

Atty. Markey stated the following to Mr. Moujabber, that the reality is ... that people that were in before you have been trying to sell a similar license ... so I would suggest that if find someone that interested in buying it ... they've been trying to find someone to sell it for over a year ... and the Board is pressured by the state ... this is not like holding a future in a stock ... I'm just encouraging you ... that if you find a person interested ... you may want to take advantage of it.

Chairman Beauregard echoed Atty. Markey's comments and added, if in a year from now you want to open up ... you can go out and find another license ... there are always licenses available ... you may be better off just selling the license ... and you get another one when you're r ready to move forward in New Bedford ...if that's your wish ...once you get Mattapoisett up and running ... and you get some cash flow running again ... then you can think about buying another license.

Mr. Moujabber stated that Jeff pontiff had approached him and said that he knew someone that was interested in a wine and malt license, adding that he would talk to him about it.

Chairman Beauregard suggested that the matter be tabled till June, and stated to Mr. Moujabber, hopefully that will give you some time to see how Mattapoisett is evolving ... but if you can move it ... my suggestion from this Board would be that you move the license ... and if two years down the road ... and the cash flow is improving ... and you think you want to re-open ... and you want to come back to New Bedford ... then at that time ... you can look for a license ... there are always licenses available.

VOTED: Commissioner Almeida made a motion to table the matter until the June 27th Board meeting. – **Unanimous**

27. Hearing: Dublin's Sports Bar N Grille, LLC d/b/a Dublin's Sports Bar N Grille

Mr. Mario Gomes, Owner/Manager
1686 Acushnet Avenue

Your presence and that of **Peter DaSilva, Bartender and Sean Brine, Security/ Bouncer** is requested at a hearing to determine whether you have violated certain provisions of M.G. L., Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations as reported by the City of New Bedford Police Department; the Board will also review the calls to service by the N. B. Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered. They are as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c, 64-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service; The licensing authorities, after notice to the licensee and a reasonable opportunity to be heard, may modify, suspend, revoke or cancel said license upon satisfactory proof that the licensee has violated or permitted any condition thereof (Chapter 138), or any law of the commonwealth.

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. 5, 10, 11, 12-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Excessive Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident Reports

Police Department Incident Report states that officers were dispatched to a report of a stabbing at Dublin's Sports Bar. Upon arrival, the officers saw a group of people in the parking lot, when asked if anyone had been stabbed, several people

replied no; at which point the officers went inside the bar and observed a 20 year old male sitting on a seat bleeding heavily from multiple stab wounds.

The officers observed a crime scene outside of the building on the south side (parking lot) as well as inside to the rear of the bar. A large amount of blood was located inside and outside as well as a red pocket knife in the parking lot.

The officers then spoke to the bartender who stated that he did not see what happened because when the fight broke out, he took the money from the draw and went to the basement, as instructed in the past by the owner. The officers asked the bartender to contact the owner to ask him to come to the bar so they could review the security footage. The bartender stated that he spoke with the owner but due to the owner living in Norwood, he would not be coming to the bar. The officers then attempted to view the security footage however employees could not access the footage. The bartender once again called the owner to ask how to view the footage but was told by the owner that he did not know the password, thus the officers were unable to view any footage of the incident.

The officers then spoke with a security/bouncer for Dublin's, who stated that he wasn't working and was only a patron that evening. He stated that he witnessed the fight involving several males including the victim and that he attempted to break it up; and that the victim started the fight. He stated that these males, who were both patrons of Dublin's, were using bar stools to hit each other and that he witnessed one male with a knife. He also stated that he knew both of the males fighting with the stabbing victim, adding that the male holding the knife during this incident has been a patron of this bar and has caused problems for him in the past.

It was also noted in the report that one of the assailants and the victim were both 20 years of age; and that one female witness was highly intoxicated.

Date and time of alleged violations: Wednesday, February 17, 2016 @ approx. 2:03 a.m. -

Police Report # 16-1804-OF

Present: Mario Gomes, Manager/ Owner along with Sean Brine, Security/Bouncer; Capt. Steven Vicente, Liaison to the Licensing Board along with Det. William Westgate, Reporting Officer

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

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

Chairman Beauregard opened the hearing by asking Det. Westgate to either summarize or read his report regarding the incident that occurred on February 17, 2016.

Det. Westgate proceeded to give his testimony as to what was documented in his Police Report regarding this incident, as noted and summarized in the 'Hearing Notice'; including testimony that there were at least three people inside the establishment that were underage including the victim who were observed drinking shots of alcohol on video that was provided by Dublin's.

Mr. Gomes was afforded ample opportunity to respond to the testimony that was presented by Det. Westgate, as well as address concerns presented by the Board.

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to suspend the Common Victualler (Restaurant) All Alcoholic Beverages license for a period of fourteen (14) days with seven (7) days (04/12/16 – 04/18/16) to be served** and the remaining seven (7) days held in abeyance for one (1) year. Additionally, the establishment was also **placed on probation for one (1) year effective April 1, 2016 and concluding on April 1, 2017**. The Board's decision was based on the seriousness of this event as well as the fact that there have been two prior stabbing incidents at this establishment; as well the police officer's video evidence that there were at least three underage individuals on the premises who were consuming alcohol at the time of the incident.

The following written decision in part was issued to the licensee on 03/31/16:

The Board heard testimony and concurred that you violated ABCC regulation 204 CMR 2.05 (2), specifically permitting an illegality to occur on the licensed premises, to wit: M.G. L. Ch. 138, sections 34, 34b, 34c, 64 where it is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service (3 Counts); as well as the following local Licensing Board Regulations:

- #5 – Sale of Alcoholic beverages, wine & malt beverages to persons under twenty-one years of age is prohibited;
- #10 – Alcoholic beverages shall not be served to a person who is or appears to be intoxicated;
- #11 - Objectionable persons shall not be permitted on or about the premises;
- #12 - Premises must at all times be kept safe.

This Board certainly understands the financial impact of its decisions, but just as importantly, we have an absolute

obligation to make sure all licensed establishments are safe for the general public. The licensee has the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of M.G. L. Ch. 138 within five (5) days of receipt of this decision. A copy of said appeal must also be submitted to this office.

28. Hearing: Dublin's Sports Bar N Grille, LLC d/b/a Dublin's Sports Bar N Grille

Mr. Mario Gomes, Owner/Manager

1686 Acushnet Avenue

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 an incident 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 -)

Present: Mario Gomes, Manager/ Owner along with Sean Brine, Security/Bouncer; Capt. Steven Vicente, Liaison to the Licensing Board along with Det. William Westgate, Reporting Officer

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, voted unanimously **to decrease the hours of operation and amend the Common Victualler (Restaurant) All Alcoholic Beverages License to reflect an 11:30 p.m. closing for six (6) months, with three (3) months to be served and three (3) months held in abeyance as long as there are no further violations. This decision shall be effective April 19, 2016 and set to expire on July 19, 2016.** Additionally, the establishment **will be on probation for one (1) year** effective April 1, 2016 and concluding on April 1, 2017.

The Board's decision, which was based on the frequency of incidents that have occurred between 12:00 a.m. and 2:00 a.m. as well as numerous incidents where patrons have been injured, was that an early closing was warranted.

The following written decision in part was issued to the licensee on 03/31/16:

The Board certainly takes into consideration the financial impact of their decisions on the establishment and its employees; however, the Board has a greater obligation in the care and safety of your patrons.

On Tuesday, April 19, 2016 at 8:00 a.m., you will be issued an amended license reflecting the 11:30 p.m. closing from this office; you are required to pick up this license on this date.

On Wednesday, July 20, 2016, at 8:00 a.m., please provide this office with your amended license and your initial license will be returned to you at that time.

Please be advised that within fifteen minutes after closing (**11:30 p.m.**), all glasses, bottles or containers must be cleaned off the tables and bar and no alcoholic beverages shall be served or be consumed. **All customers must be out of the establishment no later than thirty minutes after closing (12:00 a.m.).**

The Licensee was advised that the reduction in hours is non-appealable under M.G.L. Ch. 138, sec.12.

• **CORRESPONDENCE**

GRANTED

Received

03//01/16

The undersigned, **Balmore Javel Resales d/b/a Universal Auto Sales, 1519 Purchase Street** petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Sales & Repairs.**

IN CITY COUNCIL, February 11, 2016

Rule 42 Waived – Yeas 10, Nays 0

SPECIAL PERMIT GRANTED

Presented to the Mayor for approval February 16, 2016

Approved on February 25, 2016

Mayor

Dennis Farias, City Clerk

Dennis Farias, City Clerk

Jonathan F. Mitchell,

ACTION TAKEN: Received & Placed on File.

GRANTED

Received

03/01/16

The undersigned, **Leonardo Massa d/b/a Drive Time, 1680 Purchase Street** petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Sales**.

IN CITY COUNCIL, February 11, 2016

Rule 42 Waived – Yeas 10, Nays 0

SPECIAL PERMIT GRANTED

Presented to the Mayor for approval February 16, 2016

Approved on February 25, 2016

Mayor

Dennis Farias, City Clerk

Dennis Farias, City Clerk

Jonathan F. Mitchell,

ACTION TAKEN: Received & Placed on File.

From: Kim S. Gainsboro, ABCC Chairman **Dated –02/29/16** **Received –03/03/16**

Re: Candleworks Ventures, LLC **s** **72 North Water Street**

Notice of Hearing Date: Tuesday, March 29, 2016 @ 1:30 p.m. for a hearing to determine whether your application under M.G.L. Chapter 138 should be approved or disapproved.

Continued from 02/23/16

ACTION TAKEN: Received & Placed on File.

From: Bristol County Deputy Sheriff **Dated – 02/12/16** **Received – 03/08/16**

Re: The Sky Room, Inc. d/b/a The Sky Room **651 Orchard Street**

Notice of Writ of Attachment – On behalf of Martignetti Grocery Co. of Braintree, Ma., in the amount of \$7,000.00

Note: Application for transfer was sent to the ABCC on 03/01/16 and is pending with the ABCC.

ACTION TAKEN: Received & Placed on File.

From: Atty. Walter Frazee, Jr. **Dated – 03/10/16** **Received – 03/14/16**

Re: Expedito Duarte d/b/a Expo's II **309 Dartmouth Street**

Please accept this correspondence as our client's NOTICE OF APPEAL from the decision of the New Bedford Licensing Board dated March 7, 2016, based on the Appellant's opinion that the Board considered irrelevant factors in making its decision.

ACTION TAKEN: Received & Placed on File.

• **COMPLAINTS RECEIVED:**

03/06/16 – St. Michael's Social Club, 101 Madeira Avenue – Several noise complaints were made by neighbors that were forwarded to this office from the City Council office with regard to the club doors being left open when the club is having functions; resulting in music being heard throughout the neighborhood. The neighbors stated that they have addressed this issue with the bartender to express their frustration to no avail. They understand people come in and out for whatever reason, but they believe the door should not be left open.

Action Taken - (03/07/16): A written Notice of Complaint was sent to the club with a copy forwarded to Capt. Steven Vicente, Liaison to the Licensing Board.

03/14/16 – Panther's Athletic & Social Club, 43-45 Madeira Avenue – An anonymous letter was received, which stated that the club was purchasing alcohol from a package store, and that there may be health issues that need to be resolved.

Action Taken - (03/14/16): A copy of the complaint was sent to the Health Department with a request that they conduct an inspection of the premises with regard to health issues; a letter was also sent to the club reminding them that alcohol cannot be purchased from a package store for use at the club.

03/28/16 – Pub 6 at the Sixth Bristol, 736 Ashley Boulevard (LATE FILE) – This office has once again received a complaint (3rd Complaint) lodged by a resident of the area regarding extremely loud music, which is vibrating into their bedrooms.

Action Taken - (10/24/12): The complaint was forwarded to Capt. Steven Vicente, Liaison to the Licensing Board, with a request to have patrols in the area monitor the noise situation, and submit any pertinent Police Reports to this office; a 'Notice of Complaint & Hearing Notice' was also sent to the licensee on 03/28/16.

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

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

- **Upcoming Summer Events & Festivals**

- 10th Annual Cinco De Mayo Celebration – May 7th - “Applied/“No Changes”
- 9th Annual Taste of the South Coast (Pier 3) – May 15th - “Applied/“No Changes”
- Irmandade Do Divino Espirito Santo Do Pico – June 24th, 25th, & 26th - “Applied/“No Changes”
- Day of Portugal – June 9th, 10th, 11th, & 12th
(April Meeting?)
- Cape Verdean Day Parade – July 2nd
(May Meeting?)
- New Bedford Folk Festival – July 9th & 10th
(May Meeting?)
- Summer Concert Series – July thru Sept.
(April Meeting?)
- Feast of the Blessed Sacrament (Madeira Feast) – Aug. 4th, 5th, 6th, & 7th
(June Meeting?)

- **YEARLY REVIEW OF LICENSING BOARD LICENSE FEES**

The following fee increases were discussed and approved unanimously by the Licensing Board, effective with all ‘2017’ New Licenses & Renewals:

450100 Account

<u>License Class</u>	<u>Current Fee</u>	<u>Approved Fee Increase</u>	<u>Approved New Fee</u>
<i>Innholder / Hotel All Alcoholic Beverages</i>	<i>\$4,500.00</i>	<i>\$100.00</i>	<i>\$4,600.00</i>
<i>General On-Premise All Alcoholic Beverage</i>	<i>\$3,000.00</i>	<i>\$100.00</i>	<i>\$3,100.00</i>
<i>General On-Premise Wines and Malt (7 days license)</i>	<i>\$1,850.00</i>	<i>\$100.00</i>	<i>\$1,950.00</i>
<i>Restaurant All Alcoholic Beverages</i>	<i>\$2,950.00</i>	<i>\$100.00</i>	<i>\$3,050.00</i>
<i>Restaurant Wines and Malt (7 days license)</i>	<i>\$1,800.00</i>	<i>\$100.00</i>	<i>\$1,900.00</i>
<i>Restaurant Wines and Malt (6 days license)</i>	<i>\$1,700.00</i>	<i>\$100.00</i>	<i>\$1,800.00</i>
<i>Tavern All Alcoholic Beverages</i>	<i>\$1,950.00</i>	<i>\$100.00</i>	<i>\$2,050.00</i>
<i>Club All Alcoholic Beverages</i>	<i>\$2,300.00</i>	<i>\$100.00</i>	<i>\$2,400.00</i>
<i>Club Wines and Malt Beverages</i>	<i>\$1,450.00</i>	<i>\$100.00</i>	<i>\$1,550.00</i>
<i>Farmer-Winery Pouring Permit</i>	<i>\$1,300.00</i>	<i>\$100.00</i>	<i>\$1,400.00</i>
<i>‘Seasonal’ Rest. All Alcoholic Beverages</i>	<i>\$1,500.00</i>	<i>\$100.00</i>	<i>\$1,600.00</i>
<i>Package Store All Alcoholic Beverages</i>	<i>\$2,400.00</i>	<i>\$100.00</i>	<i>\$2,500.00</i>
<i>Package Store Wines and Malt Beverages</i>	<i>\$1,650.00</i>	<i>\$100.00</i>	<i>\$1,750.00</i>
<i>Druggist All Alcoholic Beverages</i>	<i>\$700.00</i>	<i>\$100.00</i>	<i>\$800.00</i>
<i>Filing Fees / Applications</i>	<i>\$100.00</i>	<i>\$25.00</i>	<i>\$125.00</i>

****Estimated Additional Revenue for FY17 = \$19,400.00**

- **NEXT TWO MEETING DATES:** April 25th & May 23rd both on Mondays in Room 314 - **APPROVED**
- **MEETING ADJOURNED:** 8:20 p.m.