

**LICENSING BOARD MEETING****- AGENDA -****Monday, January 28, 2019****Room 314 – 7:00 p.m.****REQUIRED: Steven A. Beuregard, Chairman****Marcelino “Sonny” G. Almeida, Commissioner****Edmund F. Craig, Jr., Commissioner****Atty. Kreg Espinola, Asst. City Solicitor****Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.****Nick Nanopoulos, Director****A/O 01/24/19**

- **APPROVALS RECEIVED FROM THE ABCC (4)**

**Change of Officers & Directors of Not For Profit Club – Tr#00230-CL-0778– Plot # 116--7**

**Irmandade do Divino Espirito Santo Do Pico, Inc., Fernando Lima, President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be amended and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Fernando Lima will remain as the President and a Co-Director, Manuel Sequeira will be the (new) Vice-President and a Co-Director, Maria L. Lemos will remain as the Treasurer and a Co-Director, Fatima DaFonte will remain as the Secretary and a Co-Director, Alda Oliveira will be Asst. Clerk and Co-Director, and Jose Xavier will be the (new) Asst. Treasurer and Co-Director; and Almerinda Costa, Maria Neves, and Margarida Sequeira (new) will all be Co-Directors, as well. Premises will remain the same at 2056 Acushnet Avenue.

**Approved by the ABCC – 12/20/18****Late Renewal Approval – Tr. #00151-RS-0778 – Plot # 53-198**

**Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, President**, who is petitioning for a **New Common Victualler (Restaurant) All Alcoholic Beverages License**, as a result of a November Non-Renewal. (Re-Instatement of License)

Upon approval, Jason P. Lanagan will remain as the President, Co-Director, and Co-Shareholder (33.333%), Howard L. Mallows IV will remain as the Treasurer, Co-Director, and Co-Shareholder (33.333%), and **Venessa Kollars** will remain as the Secretary, Co-Director, and Co-Shareholder (33.333%). **Jason P. Lanagan** will remain as **Manager of the Liquor License**. Premises will remain the same at **35 Union Street..** The existing licensed area consists of an area approximately 553 sq ft on the first floor of a three story building, which includes one (1) dining room with table seating for approximately Ten (10) patrons, and a bar with seating for six (6) patrons, along with an enclosed kitchen area. The licensed premises will also include two (2) handicapped restrooms, a prep area, and a secured walk-in cooler for liquor storage located in an adjacent first floor common area. (No alcohol shall be consumed in this area.) There is one handicapped accessible entrance/exit on the west side of the building onto Union Street along with an emergency only exit in the front of the building also onto Union Street, and an additional exit in the rear of the building.

There is also an outdoor patio area approximately 378 sq. ft. (14’ X 27’) to be used as a ‘Sidewalk Café’, which will be enclosed with a 42” high wooden fence & planters, and will be used for **seated dining purposes only**. Premise is located on the north side of Union Street between Front and Water Streets, and will remain numbered **35 Union Street**.

**Approved by the ABCC – 12/21/18****Transfer & Pledge of License – Tr. #04571-RS-07778 (Old Lic. #00055-RS-0778– Plot # 24—116**

**Clipper Restaurant, Inc. d/b/a Fernando’s Sports Bar, Fernando Amaral, Director**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **A.O.F., Inc. d/b/a Fernando’s Sports Bar**. Upon approval, Arnaldo Oliveira will be the President, Treasurer, a Co-Director, and Co-Interest Holder (50%), and Jose L. Ferreira will be the Secretary, a Co-Director, and Co-Interest Holder (50%). **Jose L. Ferreira** is also the **Proposed Manager of the Liquor License**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **INAYAT, LLC**, with an address of **42 Yale Drive, Manhasset, N. Y.** 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**. The premise will remain the same as follows: The licensed premise consists of an area, approximately 1,560 sq. ft. on the first floor of a three-story building, which includes Two (2) rooms with a bar & tables for dining, a kitchen; and an area for the storage of alcohol with two (2) restrooms. The premise is situated on the east side of County Street between Delano

and Blackmer Streets, and includes one (1) entrance/exit in the front of the building onto County Street; as well as an emergency exit located in the kitchen area, and is numbered **116 County 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**’.

**Approved by the ABCC – 01/02/18**

**Pledge of License - Trans. #00185-PK-0778 – Plot # 20--313**

**Qutumi, Inc. d/b/a Ro-Art Liquors, 21-23-25 Rodney French Boulevard, Can Thi Van, President**, is requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License** to **Bay Coast Bank**, with an address of 330 Swansea, MA. as security to authorize and execute a promissory note in the amount of **Three Hundred & Fifty Thousand Dollars (\$350,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

**Approved by the ABCC – 01/22/18**

**1. Petition - Trans. # 00123-RS-0778 – Plot # 78—112 – NEED DOR & DUA CERTIFICATES**

**Tropicana Bar & Grille, Inc., Miguel Barbosa, President**, who is requesting a **Change of Officers, Directors, Stockholders, Manager, and Transfer (Re-Distribution) of All the Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**. The petitioner is requesting that the resignation of Maria Barbosa (Spouse) as the Treasurer, Clerk, and Co-Stockholder of the corporation be accepted; and that the transfer of all her corporate shares (50%) be approved to Miguel Barbosa (Spouse). Upon approval, **Miguel Barbosa** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and the **Manager of the Liquor License**. Premises will remain the same at **1700 Purchase Street**.

*Application has been advertised; Abutters Notification Not Required*

\*\*\* Special One-Day Licenses (7) \*\*\*

**2. APPLICATION, Representation Required**

**Clark’s Cove Leasing & Storage, Inc. d/b/a Kilburn Fights, Peter Andrade, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Boxing Event”; to be held at the **Kilburn Mill**, located at **127 West Rodney French Boulevard**; and to be held on **Saturday, February 9, 2019, from 6:00 p.m. until 10:00 p.m.**

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

**New Bedford Whaling Museum, Jocelyn Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Moby Dick Marathon Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, January 5, 2019, from 5:00 p.m. until 8:00 p.m.**

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

**Noah Griffith, Applicant**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “1<sup>st</sup> Birthday Party”; to be held at the **Low Tide Yacht Club**, located within **Ft. Taber Park**; and to be held on **Saturday, January 19, 2019, from 11:30 a.m. until 3:30 p.m.**

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

**New Bedford Area Chamber of Commerce, Peter Andrade, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Business Networking Event”; to be held at the **Kilburn Mill**, located at **127 West Rodney French Boulevard**; and to be held on **Thursday, January 24, 2019, from 5:00 p.m. until 7:00 p.m.**

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

**New Bedford Fishing Heritage Center, Kerrie Burrer, Representative**, who is requesting approval of an application for a

**Special One-Day Wine & Malt Only Beverages License** for a “Fishing Industry Trivia Event Fundraiser”; to be held at the **New Bedford Fishing Heritage Center**, located at **38 Bethel Street**; and to be held on **Thursday, February 28, 2019, from 7:00 p.m. until 9:00 p.m.**

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

**New Bedford Art Museum, Celestina Billington, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Private Tasting”; to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, February 15, 2019, from 6:00 p.m. until 7:30 p.m.**

**8. 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 within the **S.S. Sacramento Club**, located at **50 Madeira Avenue**; and to be held on **Saturday, March 16, 2019 from 5:00 p.m. until 11:00 p.m.**

**8. RECONSIDERATION OF VOTE, (No Representation Required)**

On 12/17/18, the Board voted to not the renew the liquor license issued to **Hungry Whale Hospitality Group, Inc. d/b/a Hungry Whale Pub** as a result of being inactive for a significant amount of time, as allowed by the ABCC and with no plan in place for future use.

Through the efforts of this office, a suitable buyer was found and was put in contact with Mr. Beard.

On 01/19/19 a signed Purchase & Sales Agreement was signed and delivered to this office on 01/22/19.

**Director’s Recommendation:** I would ask that the Board to receive the P & S Agreement and place it on file; and reconsider their vote of 12/17/18 and hold the cancelation of the license in abeyance until July 1, 2019, in order for the buyer to find a suitable location, at which time they will be able to submit an application for transfer.

If an application is not submitted in time for the July meeting, the cancellation will go into effect as previously voted.

• **CORRESPONDENCE**

**From: Janel M. Cosgrove, Tax Examiner** **Dated –02/09/18 Received – 02/09/18**

**Re: Route Six Properties, Inc. d/b/a Club Déjà vu** **161 Pope’s Island.**

**Notice of Seizure:** Pursuant to the authority of Chapter 62C, Section 56 of the M.G.L. and by virtue of a levy placed in my hands for execution of the Commissioner of Revenue, **I have seized the above described property for non-payment of delinquent Massachusetts taxes, in the amount of \$75,648.66.**

**Served By Kristin Davies**

**From: Kristin Davis, Tax Examiner** **Dated –01/02/19 Received – 01/04/19**

**Re: Route Six Properties, Inc. d/b/a Club Déjà vu** **161 Pope’s Island**

**Notice of Non-Renewal:** I am writing to inform you that the Department of Revenue will not be proceeding with renewing the liquor license, or paying the renewal fee.

• **COMPLAINTS RECEIVED:**

--NONE--

• **DOWNTOWN DISTURBANCES**

**Saturday, 12/15/18**

#18-140490 - 1:25 a.m. - Two males arrested and charged with disorderly conduct after fight outside **Slainte.**

#18-140501 - 1:57 a.m. - Intoxicated male charged with disorderly conduct after disturbance outside **Greasy Luck.**

**Saturday, 12/22/18**

#18-143120 - 2:14 a.m. - Male charged with resisting arrest, assault & battery on a police officer and disorderly conduct

after disturbance outside **The Garden**.

**Sunday, 12/23/18**

#18-143466 - 1:43 a.m. - Male transported to hospital with cut hand after punching window of **Greasy Luck**.

**Saturday, 12/29/18**

#18-145434 - 1:39 am – Fight outside **Slainte** - Male charged with disorderly conduct.

**Tuesday, 01/01/19**

#19-33 – 1/1/19 - 1:48 a.m. – Disturbance suppressed by police detail at **Greasy Luck** – intoxicated male attempting to gain entrance.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. <b>Greasy Luck</b>	18-155125-OF	12/08/18	Disturbance/Failure To Contact Police/On Going Disturbances (Approximate Time of Violation 12:08 a.m.)
“Held On File”	18-3710-AR	12/15/18	Closing Time Disturbance/ “Police Detail on Duty” (Approximate Time of Violation 2:00 a.m.)
2. <b>Slainte</b> “Held On File”	18-3708-AR	12/18/18	Bouncer Threatened W/Knife Gang Member Involvement (Approximate Time of Violation 1:25 a.m.)
3. <b>Freddie’s Café</b>	18-15840-OF	12/15/18	Disturbance On The premises/ Possible Over Crowding (Approximate Time of Violation 1:42 a.m.)
4. <b>The Bar</b>	18-3744-AR 18-3743-AR	12/20/18	Disturbance On The premises/ Serving To Intoxication/Serving A Minor/Disorderly Person (Approximate Time of Violation 1:37 a.m.)
5. <b>The Garden</b>	18-3759-AR	12/22/18	Late Night Disturbance/ Disorderly Person/Intoxicated Person (Approximate Time of Violation 2:14 a.m.)
6. <b>Whiskey Lounge</b>	18-16152-OF	12/23/18	Fight Within The Premises/ <b>Note: Incident Was Called In By the Bouncer</b> (Approximate Time of Violation 1:22 a.m.)
	18-140492-OF	12/15/18	Intoxicated Male Drinking From Bottle From Behind The Bar (Approximate Time of Violation 2:10 a.m.)
7. <b>International Guatemala Musical, 1273 Acushnet Avenue</b>	18-16162-OF	12/23/18	Storing, Selling, & Consuming Alcohol on an Unlicensed Premise (Approximate Time of Violation 8:28 p.m.)
“Review Only”			

**Subject: Liquor License Renewals For 2019 (Informational Only)**

The Licensing Board herewith submits a report to you of all the Liquor License Renewals for 2019 by category and totals per.

Licenses classified as follows were issued and signed by the Board in the month of December 2017:

Common Victualler---All Alcoholic	83 (3 Non-Renewals)
Common Victualler---Wine & Malt (6 Days)	2
Common Victualler---Wine & Malt (7 Days)	17 (1 Non-Renewal)
General on Premise ---All Alcoholic	16
Clubs---All Alcoholic	24
Retail Package Stores---All Alcoholic	22
Retail Package Stores---Wine & Malt	16
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
	<b>TOTAL=183 (Net Loss 3)</b>

There was one (1) new license issued in 2018:

- ❖ **Brothers Artisanal, Inc., 11 William Street (CV W & M Only)**

There were Four (4) Licenses that were not renewed for 2019:

- ❖ **Club Déjà Vu (Route Six Properties, Inc. d/b/a), (CV AA), 161 Pope's Island, Licensee Decision/License was seized by the DOR/Licensee & DOR chose not to pay the renewal fee. License is lost to the city, as result of being over quota in said category. (Lic. # 00116-RS-0778)**
- ❖ **Portobello (Casa Chessa Corp. d/b/a), (CV AA), 555 Pleasant Street, Licensee Decision not to renew the license. License is lost to the city, as result of being over quota in said category. (Lic. # 00101-RS-0778)**
- ❖ **Jalice Café, Inc, (CV AA), 1468 Acushnet Avenue, Licensee Failed to Sign their renewal in November; It's their intention to re-apply for the license in January; if not, the license will be lost to the city, as result of being over quota in said category. (Lic. # 00021-RS-0778)**
- ❖ **New York China Buffet (Super 8 New York Buffet, Inc. d/b/a), (CV W & M), 888 Ashley Boulevard; Licensee chose not to renew the license. (License Reverted Back To City) An Application is pending with the ABCC for Celia's Restaurant, LLC, located at 700 Kempton Street. (Lic. # 00099-RS-0778)**

There were 183 licenses issued for 2019 of which the following fifteen (15) licenses are currently inactive:

1. **Bamboo Garden Rest. (NG Restaurant, Inc. d/b/a) – CVAA – Re-Opening In March**
2. **Butler Flats Bar & Grill (EMR Grill, Inc. d/b/a) – CVAA – On Going Renovations**
3. **China P.R. Chinese Food & Sports Bar (Yuen Shun Kin d/b/a) – CVAA – On Going Renovations**
4. **Crush New Bedford (CUVE Wine, LLC d/b/a) – RPS W & M – Transfer Pending with the ABCC**
5. **Franklin Hospitality Corp. (24 Union St.) – CVAA – Building To Be Renovated In 2019/2020**
6. **Hungry Whale (Hungry Whale Hospitality Group, Inc. d/b/a) – GOP – Sale Pending**
7. **Madeira Café (Madeira Café, Inc. d/b/a) – CVAA – Sale Pending**

8. **Mi Antojo Mexican Rest, (El Mexicano, Inc. d/b/a)** – CVAA – License for Sale
9. **Perry’s Fireside Lounge, Inc.** – CVAA – On Going Renovations
10. **Port Royal (RDS Operations, Inc. d/b/a)** – GOP – On Going Renovations
11. **Royal II (Albert Santos d/b/a)** – GOP – Sale Pending
12. **Sam Potter’s Roast Beef (The White Rose, LLC d/b/a)** – CVAA – On Going Renovations
13. **Smoke N Fishermen Seafood Rest, & Bar (Sapatinha’s Café, Inc. d/b/a)** – GOP – On Going Renovations
14. **The Edge Seafood Rest. & Bar (The Edge Hospitality d/b/a)** – CV AA – Sale Pending
15. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a)** – CVAA – On Going Renovations

**Note:** There were 15 inactive licenses at the start of 2018.

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

"In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Office of the Licensing Board at **508-979-1457**. Requests should be made as soon as possible but at least **48 hours** prior to the scheduled meeting."

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law.

Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.