

**LICENSING BOARD MEETING****-AGENDA-****Monday, March 25, 2019****Room 314 – 7:00 p.m.****REQUIRED: Steven A. Beaugard, 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 03/20/19****❖ VOTE TO ACCEPT THE MEETING MINUTES OF NOVEMBER 19, 2018****• APPROVALS RECEIVED FROM THE ABCC (3)****Change of Officers, Directors, & Manager – Tr. #00132-CL-0778 – Plot #18-108-A**

**Loyal Order of Moose, Inc. d/b/a New Bedford Lodge, #914, Thomas Flood, (new) President**, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers, Directors, and Manager 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, Thomas Flood will be the President, Sylvester Santos, Sr. will be the Vice-President, Paul Ventura will be the Treasurer, and Manuel Machado, Jr. will be the Secretary; and Charles Perry, Ronald Pickens, Sylvester Santos, David Jorge, and Scott Frates will all be Co-Directors. **Manuel Machado, Jr is the Proposed New Manager**. Premises will remain the same at **119 Rockdale Avenue**.

**Approved by the ABCC – 02/28/19****Change of d/b/a - Trans. # 04145-RS-0778 – Plot # 47--219**

**Homer’s Wharf, LLC, 26 Homer’s Wharf**, is requesting the approval of a **change of d/b/a from Waterfront Grille to Merrill’s on the Waterfront**.

**Approved by the ABCC – 03/01/19****Transfer & Pledge of License – Tr. # 89516 – PK - 0778 (Old # 00170-PK-0778)– Plot # 65—278**

**Jai Balaji, LLC d/b/a Mark’s Beverage, Manubhai Patel, Sole Manager of LLC**, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to County Liquors, Inc.** Upon approval, Divyesh Patel will be the President, Secretary, a Co-Director and a Co- Shareholder (50%), and Nilesh Patel will be the Treasurer, a Co-Director and a Co-Shareholder (50%); and **Divyesh Patel** is also the **Proposed Manager**.

The petitioner is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License to Webster Bank, NA**, as security to authorize and execute a promissory note in the amount of **Four Hundred & Eighty-Eight Thousand Dollars (\$488,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23..** Premises will remain the same as follows: Two Rooms with a walk-in cooler and office on the first floor of a 2 ½ story building with stock in the basement. The licensed premise is situated on the southeast corner of County and Smith Streets, and is numbered **642 County Street**. **NOTE:** Final approval will require a ‘**Change of Tenant**’ from the Building Department.

**Approved by the ABCC – 03/20/19****Tabled at 01/28/19 Meeting****1. Petition - Trans. # 00123-RS-0778 – Plot # 78—112**

**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*****NEED DOR & DUA CERTIFICATES**

**2. Petition - Trans. # 00102-RS-0778 – Plot # 93--180**

**Rookies Bar & Grill, Inc., Jacinto Camara, President** who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Taqueria La Raza, Inc.** Upon approval, **Petronila D. De La Rosa** will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); and the **Proposed Manager**. The petitioner is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Taunton Federal Credit Union**, with an address of **480 Rockdale Avenue, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred Thousand Dollars (\$100,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** The premises will remain the same as follows: the premise is located in an area approx. 3,252 sq. ft. that includes two rooms, with a kitchen, bar, and two restrooms on the first floor, with stock in the basement of a four-story building. There are two entrances and exits in the front of the building, which is situated on the east side of Acushnet Avenue between Sawyer and Holly Streets. The premises will remain numbered **1218 Acushnet Avenue.**

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 Notification Not Required*

**3. Petition - Trans. # 00151-RS-0778– Plot # 53--198**

**Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, Co-Director, 35 Union Street,** who is requesting permission to **Alter (Change) the Description of the Common Victualler All Alcoholic Beverages** licensed premises to include an additional room for dining with a small service bar, approximately 540 sq. ft., which is contiguous to the adjacent licensed area on the first floor of a three story building and is numbered 31 Union Street; which will have a direct entrance/ exit to 35 Union Street. The applicant is also **petitioning for a Change of Address from 35 Union Street to 31-35 Union Street and a Change of Manager from Jason P. Lanagan to Gina Mucciardi, who resides at 91 Rotch Street, N. B., MA.**

Upon Approval, the description of the licensed premises will read as follows:

The licensed area consists of two rooms in an area approximately 1,255 sq. ft. on the first floor of a three story building, which includes one (1) dining room with table seating and a bar, along with an enclosed kitchen area; and a (newly added) second room to be used for additional dining, which also includes a bar area. The licensed premise also includes two (2) handicapped restrooms, a prep area, and a secured walk-in cooler for liquor storage. 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 437 sq. ft. 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.** The enclosed area, which will include Eight (8) tables for the seating of Twenty-Nine (29) patrons, will be located on the south side (front) of the building, which is contiguous to the licensed premises.

**The Combined Maximum Occupancy for Both Inside and Outside Will Not Exceed Fifty-Two (52) Patrons per Inspectional Services (03/11/19).**

The outdoor area will **only be accessible** by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. The hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>,** in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). Premise is located on the north side of Union Street between Front and Water Streets, and is numbered **31-35 Union Street.**

**Final approval will be required from Inspectional Services and from the Health Department.**

*Application has been advertised; Abutters have been notified*

**4 Petition - Trans. #04515-RS-0778– Plot # 17--192**

**Café Italia Restaurante, Inc. Nicola Ricciardi, Co-Director,** who is petitioning for a **Change of Location Only of a Common Victualler (Restaurant) Wine and Malt License.** The proposed new location consists of a 3,200 sq. ft. area that is fully sprinklered and which is located on the first floor of a five-story building, and includes Two (2) Dining Areas, a Bar Area, and a Kitchen & Storage Area; and a Private Party Dining Area, which is located four (4) steps down from the main dining area on the same floor. There are Two (2) Handicapped Restrooms located in the common area located off the south side of the restaurant. There is one entrance/exit in the front of the building onto Pleasant Street and two additional exits/entrances on the Market Street side of the building, as well as an entrance/exit in the rear of the building into the rear parking lot on South Sixth Street via the common area in the main lobby of the building, which includes an elevator to the main dining area; and a handicap accessible entrance/exit on the Market Street side of the building. There will be additional storage space in the basement area for alcohol. The premise is situated on the west side of Pleasant Street, between Union and Market Streets, and **will be numbered 555 Pleasant 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*

**5. Hearing: NG Restaurant Corp. d/b/a Bamboo Garden**

**Ms. Lina S. Ng, Manager/Co-Owner**

**836 Purchase Street**

**Re: Closed 01/01/18**

**Prior Renewal Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

**Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler (Restaurant) All Alcoholic Beverages License.**

**6. Hearing: EMR Grill, INC. d/b/a Butler Flats Bar & Grill**

**Mr. Emanuel M. Ramos, Manager/Owner**

**38-42 Cove Street**

**Re: Approved 07/23/18**

**Prior Renewal Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

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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 Common Victualler (Restaurant) All Alcoholic Beverages License.**

**7. Hearing: El Mexicano, Inc.**

**d/b/a Mi Antojo Mexican Restaurant**

**Ms. Grisay Rojas, Manager/Owner**

**95 – 101 Rivet Street**

**Re: Approved 09/01/19**

**Prior Renewal Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

**Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your Common Victualler (Restaurant) All Alcoholic Beverages License.**

#### **8. APPLICATION, (Representation Required) – “2<sup>nd</sup> DAY BEING REQUESTED”**

**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 ‘**12<sup>th</sup> Cinco De Mayo Celebration**’, to be held ‘**on South Second Street**’ between Nelson and South Second Street; and to be held on **Saturday, May 4, 2019**, from **12:00 p.m. until 11:00 p.m. (Last call at 10:30 p.m.)**; and on **Sunday, May 5, 2019**, from **12:00 p.m. until 9:00 p.m. (Last call at 8:30 p.m.)**

*(Liquor Liability with the City named as additionally insured on certificate is required along with a copy of the Police Detail Contract)*

#### **9. Hearing: RDS Operations, Inc. d/b/a Port Royal**

**Mr. Ramon D. Silva, Manager/Owner**  
**26 South Water Street**

**Re: Approved 12/13/18**

**Prior Renewal Hearings: (1)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

#### **Decision of 11/19/18 Meeting**

As a result of the open hearing held on Monday, November 19, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to approve your 2019 renewal and to table the matter until this Board’s February 25, 2019 meeting.**

The Board’s decision was based on your submission of an application for multiple changes including a change of location to 26 South Water Street.

During the application hearing, you informed the Board that it was your intention to operate as a “cigar bar” at the new location, and that it was your intention to be operational by February 1, 2019.

The Board has the expectation that you will be operational by this date, if so, you will not be required to attend the February 25, 2019 meeting. (A request was granted to move to the March Meeting.)

**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.**

**10. Hearing: Albert J. Santos d/b/a Royal II****Mr. Albert J. Santos, Owner**  
**123 MacArthur Drive****Re: Approved 08/30/16****Prior Renewal Hearings: (4)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

**Decision of 11/19/18 Meeting**

As a result of the open hearing held on Monday, November 19, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to approve your 2019 liquor license renewal and to table the matter until this Board’s April 22, 2019 meeting.**

The Board’s decision was based on the information provided by Mr. (Ron) Oliveira, in which he stated, that he had signed a P & S Agreement to purchase your liquor license in order to market the license with the existing building.

The Board has given you the additional time in order for you to finalize the transaction and to give the buyer sufficient time to submit an application for transfer.

The Board is hopeful that an application for transfer is submitted by April 1, 2019, so that it may be placed on our April 22, 2019 Agenda.

It should also be noted that Mr. Oliveira has no rights to this license until such a time as an application for transfer has been submitted and approved by this Board, and submitted to the ABCC for their approval.

***As of this date an application has not been received, which must include a DOR Certificate of Good Standing and a DUA Certificate of Compliance; which you must submit to the applicant.***

**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.**

**11. Hearing: Sapatinha’s Café, Inc. d/b/a****Smoke N Fishermen Seafood Restaurant & Bar (Euphoria Lounge)**  
**Mr. Jose G. Borges, Jr. Manager/Owner**  
**289 Acushnet Avenue****Closed 08/21/18****Prior Renewal Hearings: (8)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. 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 2019 prior to this Board considering approval of your 2020 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.

**Decision of 11/19/18 Meeting**

As a result of the open hearing held on Monday, November 19, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to approve your 2019 renewal and to table the matter until this Board's March 25, 2019 meeting.**

The Board's decision was based on the information you provided to the Board in which you stated that you have surrendered your license and will reopen as a restaurant with a completely new staff. The Board has given you the additional time in order for you complete your renovations, so that you can re-open in a timely manner.

The Board has the expectation that you will be operational by March 1, 2019, if so, you will not be required to attend the March 25, 2019 meeting.

**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.**

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

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

**114-116 Nauset Street**

**Approved 06/03/14 – Renovations****Prior Renewal Hearings: (10)**

Your presence is respectfully requested at a hearing to to discuss your plans for your liquor license for the year 2019 prior to this Board considering approval of your 2020 renewal application.

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.

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.

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 11/19/18 Meeting**

As a result of the open hearing held on November 19, 2018 to determine the status of your annual liquor license for the year 2018, the **Board unanimously voted to table the matter until this Board's February 25, 2019 meeting; along with a request that Inspectional Services once again does an inspection of the premises prior to said meeting, and submit a progress report to the Board at said meeting.**

The Board's decision was based on the information provided by Atty. (Christopher) Markey on your behalf, in which he stated that you met with Bay Coast Bank to get funding to complete the remainder of the renovations; and that they were very enthusiastic in helping you as a customer, and that he expected that to happen very shortly but you haven't got the final decision yet.

Atty. Markey also addressed the issue of the pending application that is still waiting on a Certificate of Good Standing from the DOR and a Certificate of Compliance from the DUA, of which he stated that he was still waiting to receive in order for your application for a Change of LLC Members and Transfer of Financial Interest to be submitted to the ABCC for approval.

Chairman Beauregard advised Atty. Markey that by the February meeting, a final decision (approved financing) must be made to finish the project or steps must be taken to sell the liquor license.

**Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler (Restaurant) All Alcoholic Beverages License.**

**\*\*\* Special One-Day Licenses (8) \*\*\***

**13. APPLICATION, (No 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, March 23, 2019, from 6:00 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)**

**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 “Private Film Screening”; to be held at the **New Bedford Fishing Heritage Center**, located at **38 Bethel Street**; and to be held on **Thursday, March 28, 2019, from 7:00 p.m. until 9:00 p.m.**

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

**Immigrants’ Assistance Center, Inc., Helena DaSilva Hughes, Executive Director** who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a “48<sup>th</sup> Anniversary Fundraiser”; to be held at the **Harbor View Gallery**, located at the **N.B. Whaling Museum, 18 Johnny Cake Hill**; and to be held on **Thursday, April 4, 2019, from 5:30 p.m. until 8:30 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Reception and Lecture’; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, May 10, 2018, from 6:00 p.m. until 8:00 p.m.**

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

**New Bedford Art Museum, Jamie Uretsky, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘N. B. Historical Workshop’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Thursday, April 18, 2019 from 6:00 p.m. until 8:00 p.m.**

**18. 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 4, 2019, from 11:00 a.m. until 10:00 p.m. (Last Call 9:30 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\*\***

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

**Friendly Sons of St. Patrick, Inc., Timothy Murray, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their ‘12<sup>th</sup> Annual Taste of the Southcoast’, which will be held **under a tent on Pier 3**; and to be held on **Sunday, May 19, 2019 from 12:00 p.m. until 5:00 p.m.**  
(*Liquor Liability with the City named as additionally insured on certificate is required along with a copy of the Police Detail Contract*) **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**Community Boating Center, Caroline Conzatti, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License**, for an ‘Opening of the Bay Fundraiser’ to be held **in Fort Taber Park – Under a Tent**; and to be held on **Saturday, June 1, 2019, from 6:00 p.m. until 11:00 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\*\***

**21. Hearing: Jai Balaji, LLC d/b/a Mark’s Beverage**

**Mr. Manubhai Patel, Manager/Owner**  
**642 County Street**

Your presence is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license.

The potential violations are as follows:

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

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.

**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.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that officers were conducting a Community Outreach/Directed Patrol based on neighbor complaints that have been received for intoxicated parties, parties loitering and begging for money, as well as parties drinking outside of the business or in an area surrounding the business; as well as complaints from neighbors who reside around this location who have stated to the officers in the past that the business often sells liquor to minors, and identification cards are not asked to be seen.

Upon approaching the area, a male employee (Jose) of Marks' Beverage was observed outside of the business, holding the door open. The male was observed to be looking back and forth between the undersigned officer, as well as a vehicle parked on Smith Street, and then back into the store.

The Officer then observed another car parked in a no parking zone, directly in front of a fire hydrant, and sticking out into the street making it difficult for vehicles turning down Smith Street. It should be noted that the car was still running. Upon running the plates, which came back cancelled, the Officer observed two young parties, a male and a female, walking out of Mark's Beverage and getting into the running car. The Officer then followed the vehicle, and a traffic stop was then conducted.

As the Officer was speaking to the driver and the passenger in the front seat, a male sitting in the back seat was observed reaching underneath the seat, where later the Officers discovered a bottle of unopened vodka; which one of the individuals admitted he purchased at Mark's Beverage. The Officer also noted in his report that two of the individuals that were in the car were the same two individuals that they observed coming out of Mark's Beverage. The Officers attempted to return to the business in order to speak with Mr. Patel, however, the store had closed for the night.

It should be noted that Mr. Patel's car was parked in front of the store when the Officers observed the two people coming out of the store, **and that all three individuals in the car were all under 21 years of age.**

The Reporting Officer also noted in his report that Mr. Patel has been observed bringing multiple cases of beer to both of his businesses (Mark's Beverage and Lucky 7).

**Date and time of alleged violations: Saturday, February 23, 2019 @ approximately 10:12 p.m. – Report #19 – 2136 - OF**  
**Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.**

***Depending on the Board's findings, you may be required to surrender your license until this matter is resolved, therefore, you are hereby ordered to bring with you your 2019 Liquor License.***

- **CORRESPONDENCE**

**From: Atty. Madelyn H. Genereux** **Dated –03/05/19** **Received – 03/07/19**

**Re: Alam & Sarker, LLC d/b/a Star Market** **317-321 Rivet Street**

**Notice of Appeal: A written notice of an appeal to the ABCC, with regard to the Licensing Board's Decision of February 25, 2019. to deny their application for a "New" Retail Package Wine & Malt Only Beverages license.**

**From: ABCC** **Dated –03/12/19** **Received – 03/13/19**

**Notice Of Hearing: You are hereby notified that a hearing will be held by the ABCC on June 20, 2019 at 10:00 a.m. regarding an appeal from the action of the City of New Bedford License Commission for denying the sec. 15 Wines and Malt Beverages Retail Package Store Application of Alam and Sarker, LLC d/b/a Star Market to be exercised at 317-321 Rivet Street, N.B., MA.**

- **COMPLAINTS RECEIVED:**

--NONE--



- **DOWNTOWN DISTURBANCES**

Tuesday, 2/12/19

#19-15850 – 2:06 a.m. – Disturbance suppressed at **The Garden** - four males reported “in female bartender’s face.”

Friday, 2/22/19

#19-19626 - 9:00 p.m. – Male charged with disorderly conduct after disturbance at the **Pour Farm**.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Fernando’s Sports Bar	19 – 2171 – OF	02/24/19	<b>Patron Assaulted On The Premises/Intoxicated Patron</b> (Approximate Time of Violation 11:20 p.m.)
2. Whiskey Lounge	19 – 535 - AR	02/25/19	<b>Fight On The Premises</b> (Approximate Time of Violation 10:36 p.m.)

- **NEXT TWO MEETING DATES: April 22<sup>nd</sup> & May 20<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 Nick Nanopoulos at **508-979-1457** ([Nicholas.Nanopoulos@newbedford-ma.gov](mailto:Nicholas.Nanopoulos@newbedford-ma.gov)) or **Mass Relay 711**. 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.