



# Licensing Board

January 23, 2017 – 7:00 PM – **Final Agenda**  
City Hall, 133 William Street, Room 314

**LICENSING BOARD MEETING**

**-FINAL AGENDA-**

**Monday, January 23, 2017**

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

Nick Nanopoulos, Director

**MOTION TO ACCEPT THE MEETING MINUTES OF October 24, 2016**

**MOTION TO ACCEPT THE MEETING MINUTES OF November 21, 2016**

**MOTION TO ACCEPT THE MEETING MINUTES OF December 19, 2016**

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

**New Retail Package Store Wine & Malt License - Trans. # 88931-PK-0778 – Plot # 137--35**

**Tejendra, Inc. d/b/a Dairy Mart, Gunvant I. Patel, President**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Gunvant I. Patel** is the President, Treasurer, Secretary, Sole Director, Sole Shareholder 100%, and the **Proposed Manager**. The proposed licensed premises is a convenience store located in a street level building in an area approximately 1,927 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes one room for the storage of alcohol in the rear of the building. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located on the north side of the building. The premise is situated on the west side of Acushnet Avenue, between Leroy Street and Sassaquin Avenue, and will be numbered **4443 Acushnet Avenue**.

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

**Approved By ABCC – 12/20/16**

**Change Of Officers & Directors - Trans. # 00054-CL-0778 – Plot # 93--92**

**Club Recordacoes de Portugal, Inc., Antonio DaSilva, New President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Antonio DaSilva will be the President and a Co-Director, Alipio DosAnjos will be the Vice-President and a Co-Director, Carlos Chaves will be the Treasurer and a Co-Director, and Avelino Sequeira will be the Secretary and a Co-Director. **Ricardo Martins** will remain as the **Manager**. Premises will remain the same at **249-253 Coggeshall Street**.

**Approved By ABCC – 12/23/16**

**Transfer & Pledge of License - Trans. # 03004-GP-0778 (Old#00176-PK-0778) – Plot # 112--185**

**W.T. Sports, Inc. d/b/a Legend’s Sports Pub, Manuel A. Ferreira, President**, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **H. A. Sports, Inc. d/b/a Legend’s Sports Pub**. Upon approval, **Haldo Arriaga** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%) and the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the General on Premise All Alcoholic Beverages License** to **Manuel A. Ferreira** with an address of **270 Old County Road, Westport, MA**. as security to authorize and execute a promissory note in the amount of **Two Hundred & Forty – Nine Thousand Dollars**

**(\$249,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** The premises will remain the same as previously approved as follows: The licensed premises consists of a total area of approximately 1,300 sq. ft., which includes one room with a bar and lounge area, kitchen, two restrooms, and storage area on the first floor of a one-story building. The premise is situated on the south side of Covell Street, between Acushnet Avenue and Belleville Avenue, and is numbered **78 Covell 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 ABCC – 01/06/17**

**Transfer & Pledge of License - Trans. # 88951-PK-0778 (Old #00176-PK-0778) – Plot # 54--4**

**Swamini, LLC d/b/a Zully’s Wine & Spirits, Dhaval Patel, Manager of the LLC**, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to Shri Gurave, LLC, d/b/a Zully’s Wine & Spirits. Upon approval Jasminkumar Patel will be a Member and Co-Interest Holder (25%), Falguni Patel will be a Member and Co-Interest Holder (25%), and Jaimin Soni aka Patadia will also be a Co-Member and Co-Interest Holder (50%) in the LLC; Dhvani Mandia will be the Sole Manager of the LLC and the Manager of the Liquor License.** The proposed transferee is also requesting a **Pledge of the Retail Package Store All Alcoholic Beverages License and Alcohol Inventory to Rockland Trust Company**, with an address of **288 Union Street, Rockland, MA.** as security to authorize and execute a promissory note in the amount of **Three Hundred Thousand Dollars (\$300,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Premises will remain the same as follows: One room on the first floor of a one-story building in an area approximately 2,800 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes a room for the storage of alcohol. There is one (1) entrance/exit in the front of the building, as well as one additional entrance/exit located at the rear of the building. The premise is situated on the south side of Kempton Street between Commonwealth Avenue and the Dartmouth Town Line, and is numbered **1240 Kempton Street.** (Premise is located within the Shaw’s Plaza area.)

Final approval will require a ‘**Change of Tenant**’ from the Building Department.

**Approved By ABCC – 01/06/17**

**Change of officers, Directors, & Manager - Trans. # 00095-CL-0778 – Plot #106—137**

**Clube Ponta Delgada, Inc., Eric Stephens, New President**, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Eric Stephens will be the President, Alan Mello will be the Vice-President, Kristen Fiano will be the Treasurer, and Corilyn Gibau be the Secretary; and Maria Simas, Robert Mello, Robert Lopes, and Clement Costa will all be Co-Directors. The ‘club’ is also requesting the approval of **Walter Gibau, Jr.,** who resides at **1520 Purchase Street, N.B., MA.** as **their New Manager.** Premises will remain the same at **61-65 Madeira Avenue.**

**Approved By ABCC – 01/12/17**

**Transfer & Change of Location - Trans.# 03030-RS-0778 (Old # 00039-RS-0778) – Plot # 19—49**

**“Late File”**

**DeAbreu & Sons, Inc. d/b/a Fortuna Grill, Manuel DeAbreu Dos Reis, President**, for a license currently issued for use at **288 Union Street**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine & Malt Only Beverages License to New Taipei, Inc. d/b/a Taipei Asian Cuisine.** Upon approval, **Jian Guo Zhang** will be the President, Secretary, a Co-Director, and a Co-Shareholder (40%); and, **Hui Fang Lu** will be the Treasurer, a Co-Director, and a Co-Shareholder (60%). **Hui Fang Lu** is the **Proposed Manager of the Liquor License.** The new proposed licensed premises consist of an area approximately 2,340 sq. ft. located on the first floor of a one-story building, which will include one room that will include a waiting area and sushi bar and an additional room for dining. There is also a kitchen, which includes a Walk-in Cooler and Storage Room for the storage of alcohol; as well as two restrooms. The licensed premises will have one (1) entrance/exit in the front of the building, and two (2) emergency exits located at the rear of the building. The unit is located in a storefront plaza, which is situated on the north side of Rockdale Avenue, between Bolton & Orchard Streets, and will be numbered **37 –Unit # 4 Rockdale Avenue**

Final approval will require a ‘signed ‘**Fire & Building Certificate**’ as required under the Chapter 304 Fire Acts Compliance; along with a copy of ‘**Proof of Liquor Liability**’.

**Approved By ABCC – 01/19/17**

**1. Hearing: Moby Dick Brewing Company, Inc. – “Application Being Prepared”**

**Mr. David Slutz, President**

**52 Union Street**

**Approved 10/04/16 – On Going Renovations**

**Prior Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. The hearing is also being held at the request of the members of this Board in order for you to update the Board as to the ongoing renovations; as well as to discuss any planned changes to the description of the premises and any possible change in management of the day to day operation of the premises.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date and any planned changes, if not already submitted.

**Recommendation: Table to March Meeting**

**2. Hearing: 161 Highland Avenue, Inc. - “Application Being Prepared”**

**d/b/a Trio Restaurant**

**Ms. Sandra Rodrigues, Owner**

**418-420 Rivet Street**

**Closed – 11/13/16 Licensee Decision**

**Prior Hearings: (0)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 re-opening date, plans to transfer, or change of location, as it applies to your situation.

If an application for a transfer of license has been submitted **by January 9, 2017**, you will not be required to appear as notified.

**Recommendation: Table to March Meeting**

**Tabled at 11/21/16 Meeting**

**3. Hearing: JAKIBRI, LLC d/b/a Kirby’s Irish Pub. - “Application Being Prepared”**

**Mr. Jason Kirby, Manager/Co-Owner**

**818 Kempton Street**

**Closed 09/21/15 – Estimated**

**Prior Renewal Hearings: (4)**

Your presence is respectfully requested at a hearing to be held in this office to determine the status of your annual liquor license for the year 2017.

If warranted, the Board may cancel the license of any license holder who “ceases to conduct the licensed business” that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called “pocket License” is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

**11/21/16 Decision**

As a result of the information provided at the July 25, 2016 meeting to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to renew your license for ‘2017’ and to once again to table the matter until this Board’s January meeting.**

The Board’s decision was based on the information that you provided to this Board in which you stated that you had a signed P & S Agreement to transfer your license to Douglas Grace, and that license would be staying at the current

location; and that you were only waiting for your Certificate of Good Standing to complete the application. If an application for a transfer of license has been submitted by January 9, 2017, you will not be required to appear as notified.

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

**Recommendation: Table to March Meeting**

**Tabled at 10/24/16 Meeting**

**4. Hearing: Nabih Moujabber d/b/a Lebanese Kitchen. - “Application Being Prepared”**

**Mr. Nabih Moujabber, Licensee**

**1487-1489 Purchase Street**

**Closed 07/12/14 – Renovations (Fire)**

**Prior Renewal Hearings: (8)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 10/24/16 Meeting**

Based on the current condition of the building on Purchase Street as well as the still unresolved issues that are pending to complete the renovations at that location, it was the opinion of the Board that the building appears to be a long way from being ready to open; therefore, it was the Board’s suggestion that you make every attempt possible to sell your beer and wine license; and if in fact, in six months or a year from now you get that building up and running, there will always be licenses out there available for you to pick up.

Therefore, it was the Board’s Decision to allow you three (3) more months to take action with regard to 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.

**As discussed, your failure to comply will result in the Board having to revoke your license for non-use as allowed under Ch. 138, sec. 77.** *(The licensing authorities may, after hearing or reasonable opportunity there-fore, cancel any license issued under chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)*

Your license has been inactive since July 12, 2014 and you have been afforded ample opportunity to take action. We strongly advise that you make every attempt possible to activate this license to avoid our having to take revocation action. Please Be Advised that failure to appear before this Board as requested will result in the “Automatic Revocation” of your Common Victualler Wine & Malt Only Beverages License.

**Recommendation: Table to March Meeting**

**5. Hearing: Shooter’s Pub – “Re-Opened on 01/13/17”**

**Ms. Jere A. Espejo, Owner**

**2112 Acushnet Avenue**

**Closed – 12/16/16 Licensee Decision**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 a re-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 General on Premise Wine & malt Only Beverages License.

If an application for a transfer of license has been submitted by January 9, 2017, you will not be required to appear as notified

**Recommendation: No Further Action**

**Tabled at 10/24/16 Meeting**

**6. Hearing: Portugal Verde Soccer Academy, Inc.**

**Mr. Isaias M. Furtado, Manager**

**424 Nash Road**

**Approved on 12/09/15 – Never Opened**

**Prior Renewal Hearings: (4)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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.

**10/24/16 Decision**

As a result of the information provided at the October 24, 2016 meeting to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to renew your license for ‘2017’ and to once again table the matter until this Board’s January meeting.**

The Board’s decision was made to allow you three (3) more months to resolve all your outstanding issues in order for you to be issued your Certificate of Inspection and your 304 Certificate, which are required by law in order for you to receive your liquor license. It is imperative that you remain in contact with both the Building Department and Fire Prevention to see exactly what you need to do to be in full compliance.

**Failure to comply with this Board’s Decision will result in a hearing on the revocation of your license.**

**Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your General on Premise Wine & Malt Only Beverages License.**

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

**New Bedford Whaling Museum, Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Sailor Series Lecture Reception”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, February 2, 2017, from 6:00 p.m. until 7:00 p.m.**

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

**New Bedford Whaling Museum, Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Sailor Series Lecture Reception”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 2, 2017, from 6:00 p.m. until 7:00 p.m.**

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

**New Bedford Whaling Museum, Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Sailor Series Lecture Reception”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 23, 2017, from 6:00 p.m. until 7:00 p.m.**

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

**New Bedford Whaling Museum, Sarah Hilton, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Sailor Series Lecture Reception”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 6, 2017, from 6:00 p.m. until 7:00 p.m.**

**11. Hearing: Carlos’ Kitchen**

**Mr. Jose Antonio DoSouto, Licensee**  
**1598 Purchase Street**

Your presence and that of **Analberto Sanches, DJ and Liliana DePina, Bartender** is requested at a hearing to determine whether you have violated various licensing rules & regulations. This hearing will focus on a late night disturbance resulting from the ‘use of the building’ by a third party.

Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

The potential violations are as follows:

**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.

**Liquor License Control Act-**

Allowing a third party to sell tickets or use other methods of admission (where the price of admission includes any alcoholic beverages), results in the licensee transferring the privilege of its license, or transferring a direct or beneficial interest in its license to a third party.

**Licensing Board Regulations No. 1, 6, 10, 11, 12, 19, 28-**

Licenses may not be transferred or surrendered without permission of the Board; each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing;

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; objectionable persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe; within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.); a current list of employees shall be submitted to authorized agents of the Licensing Board, upon request.

**Summary of Incident**

Police Department Incident Report states that Officers were dispatched at least three (3) times between the hours of 12:00 a.m. and 2:30 a.m. in reference to disturbances; due to the large crowd, several downtown units were required to respond and assist with these calls. The initial disturbance call was for loud music emanating from the establishment, which officers stated was clearly being used as a nightclub.

Upon entering the premises, the officers observed a disc jockey playing very loud music in a room with little to no lighting, and there was a cash register at the door that appeared to be collecting a cover charge; and there was also another cash register at the bar with a sign on it that read, “CASH ONLY”. The music was so loud that it could be heard at least a block away; and the exit door was blocked to prevent any passage.

Officers were called back to the establishment for a 2<sup>nd</sup> and 3<sup>rd</sup> time. The officers noted that the 3<sup>rd</sup> call came in after 2:30 a.m. when all patrons should have exited the premises. The officers observed at least 30-35 people still continuing with the party, and there were also approximately 8 individuals with fully fresh, apparent, alcoholic beverages; and the DJ was continuing to play music at a very loud level and the house lights were still off as they were before.

When the officers asked who was in charge, the DJ (Analberto Sanches) stated that he was, although there seemed to be

several other employees working; but no one other than Mr. Sanches stated that they were in charge. Mr. Sanches pleaded for a verbal warning for the listed violations and stated that he was only “using” the building.

**Date and time of alleged violations: Sunday, November 13, 2016 @ approx. 3:00 a.m. - Police Report #'s 16-14579-OF**

Please be advised that failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

## **12. Hearing: Carlos' Kitchen**

**Mr. Jose Antonio DoSouto, Licensee**  
**1598 Purchase Street**

**Your presence** and that of **Analberto Sanches, DJ and Liliana DePina, Bartender** 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 - )

## **13. Hearing: Barbosa and Raposo, Inc. d/b/a Tilia's Café & Restaurant**

**Mr. Jose Barbosa, Manager/Co-Owner**  
**1615-1623 Acushnet Avenue**

**Your presence** is requested at a hearing to determine whether you have violated various licensing rules & regulations. This hearing will focus on a late night disturbance resulting from the ‘use of the building’ by a third party. Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered

The potential violations are as follows:

### **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. 11, 12, 19-**

Excessive Crowds 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.; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

## **Summary of Incident**

Police Department Incident Report states that Officers while on patrol noticed a large group of patrons (around 75-100) outside of Tilia's on the sidewalk around 1:54 a.m. After clearing the large group outside, which took 10-15 minutes, the officers went inside Tilia's at approximately 2:10 a.m. and noticed about 100-150 patrons still inside the restaurant, of which half the patrons still had drinks in their hands and were not leaving. The officers along with security attempted to push the crowd inside the restaurant out, which took another 10-15 minutes due to patrons talking among each other as well as trying to finish their drinks.

Once all the patrons were outside the restaurant it took another 10 minutes of trying to disperse the crowd to their vehicles and leaving.

After the crowd had been dispersed, the officers were called back to Earle Street and Ashley Boulevard for a large group causing a disturbance. It was approximately 2:45 a.m. when all the patrons had been dispersed from the restaurant as well as the parking lot.

**Date and time of alleged violations: Sunday, November 13, 2016 @ approx. 2:45 a.m. - Police Report #'s 16-14577-OF**

Please be advised that failure to appear at this meeting will result in immediate suspension of your liquor license until this

matter is resolved.

**14. Hearing: Barbosa and Raposo, Inc. d/b/a**  
**Tilia's Café & Restaurant**  
**Mr. Jose Barbosa, Manager/Co-Owner**  
**1615-1623 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 - )

- **CORRESPONDENCE**

--NONE--

- **COMPLAINTS RECEIVED:**

--NONE--

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

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

**Subject: Liquor License Renewals For 2017 (Informational Only)**

The Licensing Board herewith submits a report to you of all the Liquor License Renewals for 2017 by category and totals per.

Licenses classified as follows were issued and signed by the Board in the month of December 2016.

Common Victualler---All Alcoholic	86
Common Victualler---Wine & Malt (6 Days)	3
Common Victualler---Wine & Malt (7 Days)	15
General on Premise ---All Alcoholic	16
General on Premise---Wine & Malt (7 Days)	2
Clubs---All Alcoholic	24
Retail Package Stores---All Alcoholic	22
Retail Package Stores---Wine & Malt	15
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
TOTAL=186 (Net Gain +2)	

There were three (3) new licenses issued in 2016:

- ❖ **Dairy Mart (Tejendra, Inc. d/b/a), 4443 Acushnet Avenue (RPS W & M Only)**
- ❖ **Expo's (Kaitlyn Duarte d/b/a), 332 Brock Avenue (RPS W & M Only)**
- ❖ **Mutual (E Z Convenience & Gas, LLC d/b/a), 1800 Purchase Street (RPS W & M Only)**



There was one (1) license that was not renewed for 2017:

- ❖ **Premium Liquors (Vallas Enterprises, Inc. d/b/a), (RPS AA), 1926 Purchase Street, Licensee Decision**

There were 186 licenses issued for 2017 of which the following seventeen (17) licenses are currently inactive:

1. **Bar 908 (Times Square Restaurant, Inc. d/b/a) – CVAA – Re-Opening March 1, 2017**
2. **Columbus Group ( Columbus Group, LLC d/b/a) – CVAA – License for Sale**
3. **Dublin’s Sports Bar N Grille, LLC – CVAA – Business/License For Sale**
4. **Euphoria Lounge (Sapatinha Café, Inc. d/b/a) – CVAA – Renovations/Re-Opening February 1, 2017**
5. **Fortuna Grill (DeAbreu & Sons, Inc. d/b/a) – CV W & M – Transfer Pending W/ABCC  
To: New Taipei, Inc. d/b/a Taipei Asian Cuisine, 37 Rockdale Avenue**
6. **Kirby’s Irish Pub (JAKIBRI, LLC d/b/a) – CVAA – Sale Pending**
7. **Lebanese Kitchen (Nabih Moujabber d/b/a) – CV W & M – Sale Pending**
8. **Moby Dick Brewing Company, Inc. – CVAA – Ongoing Renovations/March Opening?**
9. **Pier 37 (P37, LLC d/b/a) – CVAA – Business/License For Sale**
10. **Portugal Verde Soccer Academy, Inc. – GOP W & M – Renovations**
11. **Pub P6T5, Inc. – GOP AA – Renovations**
12. **Royal II (Albert Santos d/b/a) – GOP – Business & License For Sale**
13. **Shooter’s Pub ( Jere A. Espejo d/b/a) – GOP W & M - Business & License For Sale (Re-Opened 01/13/17)**
14. **Trio Restaurant (161 Highland Avenue, Inc. d/b/a) – CVAA – Business & License For Sale**
15. **Union City (Ramon D. Silva Enterprises d/b/a) – CVAA – License Only For Sale**
16. **Vila Franca Rest. & Café (Vila Franca Do Campo, Inc. d/b/a) - CVAA– Transfer Pending W/ABCC  
To: Mi Antojo Mexican Restaurant (El Mexicano, Inc. d/b/a), 95-101 Rivet Street**
17. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a) – CVAA – Renovations/Re-Opening February 1, 2017**

**Note:** There were 16 inactive licenses at the start of 2016.

- **NEXT TWO MEETING DATES: February 27<sup>th</sup> & March 27<sup>th</sup> both on Mondays in Room 314**
- **MEETING ADJOURNED:**

