



Licensing Board

July 24, 2017 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 120

LICENSING BOARD MEETING

-AGENDA- -

Monday, July 24, 2017
Ashley Room 120 – 7:00 p.m.

REQUIRED: Steven A. Beauregard, 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 07/19/17

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:

Change of Beneficial Interest from an Individual to a Corporation - Trans. # 02680-GP-0778– Plot # 119--13

Jere A. Espejo d/b/a Shooters Pub, Jere A. Espejo, Sole Owner (Individual), who is requesting a Change of the Legal Structure of the General on Premise Wine & Malt Only Beverages license to Shooter’s Pub, Inc.(Corporation); and a Change of Beneficial Interest from an Individual to a Corporation. Upon approval, Jere A. Espejo will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100 %); and Jere A. Espejo will remain as the Manager. Premise will remain the same at 2112 Acushnet Avenue.

Approved By ABCC – 07/05/17

1. PETITION - Trans. #00174-PK-0778– Plot # 18--107

People’s Super Liquor Stores, Inc. d/b/a Douglas Wine & Spirits, 446 Dartmouth Street, is requesting the approval of Michael J. Duclos, who resides at 94Wampanoag Trail, Riverside R.I., as their new manager.

2. PETITION - Trans. # 00230-CL-0778- Plot # 119--7(No Representation Required)

Irmandade do Divino Espirito Santo Do Pico, Inc., Fernando Lima, (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, Fernando Lima will be the President and a Co-Director, Jose M. Lima will be the Vice-President and a Co-Director, Maria L. Lemos will be the Treasurer and a Co-Director, and Fatima DaFonte will be the Secretary and a Co-Director; and Almerinda Costa, Maria C. Medeiros, Maria Neves, and Jose Xavier will all be Co-Directors, as well. Premises will remain the same at 2056 Acushnet Avenue.

(No Advertisement nor Abutters Notification Required)

3. PETITION - Trans. # 00056-CL-0778- Plot # 46—6 (No Representation Required)

Wamsutta Club, Inc. Robert G. Morris, (New) President who is petitioning for a Change of Officers and Directors on 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, Robert G. Morris will be the President, Charles Demailey Jr. will be the Vice-President, John Fernandes will be the Treasurer, and Anne Eades will be the Secretary; and Dr. J. Greer McBratney, Nancy Crosby, Jules Ryckebusch, Richard Dow, and Peter S. Barney (Immediate Past President) will all be Co-Directors. Premises will remain the same at 427 County Street.

(No Advertisement nor Abutters Notification Required)

4. PETITION - Trans. # 00085-CL-0778- Plot # 93--210—6 (No Representation Required)

Portuguese American Athletic Club of Greater New Bedford, Inc., Arlindo Moura, 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, Arlindo Moura will be the President, Manuel dos Santos will be the Vice-President, Jose Ribeiro will be the Treasurer, and Rosangela Ribeiro will be the Secretary; and Joao Marcal, Jose Ferreira, Marcel Vieira, and Domingos Adao will all be Co-Directors. Premises will remain the same at **56 Holly Street**.

(No Advertisement nor Abutters Notification Required)

5. PETITION - Trans. # 00072-CL-0778- Plot # 14—198 (No Representation Required)

Washington Social & Musical Club, Inc., Kenneth Kendall (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, Kenneth Kendall will be the President, Stephanie McKnight will be the Vice-President, Stephanie Mitchell will be the Treasurer, and Joyce Abbott will be the Secretary, and Mark Blanchard, Kevin Blanchard, Blaine Hopwood, William O'Brien, Jr., Brian Lowe will all be Co-Directors. Premises will remain the same at **90 David Street**.

(No Advertisement nor Abutters Notification Required)

6. APPLICATION, (No Representation Required)

New Bedford Festival Theatre, Inc., Armand R. Marchand, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'After Show Opening Night Reception' to be held at the **UMD Star Store Gallery**, located at **800 Purchase Street**; and to be held on **Friday, July 21, 2017 from 10:00 p.m. until 11:45 p.m.**

7. APPLICATION, (No Representation Required)

Immigrants' Assistance Center, Inc., Helena S. Martins, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a 'Fundraiser' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held on **Thursday Aug. 10, 2017, from 7:00 p.m. until 10:00 p.m.**

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

8. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc., Michelle Gomes, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Feast in the Wild Food Tasting Fundraiser', to be held within the **Buttonwood Park Zoo**; and to be held on **Thursday, August 10, 2017, from 6:00 p.m. until 10:00 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****

9. APPLICATION, (No Representation Required)

W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an "Urban Soiree Fundraiser", to be held at the **Mariner's Home**, located at **15 Johnny Cake Hill**; and to be held on **Thursday, August 17, 2017, from 5:30 p.m. until 7:30 p.m.**

10. APPLICATION, (No Representation Required)

New Bedford Women's Center, Inc., Pamela Macleod-Lima, Applicant, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a "A Music on the Veranda Fundraiser", to be held at the **New Bedford Women's Center** located at **405 County Street**; and to be held on **Friday, August 18, 2017, from 6:00 p.m. until 8:00 p.m.**

11. APPLICATION, (No Representation Required)

Cynthia Medeiros, Applicant, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Retirement Party", to be held at **Ft. Taber Community Center**; and to be held on **Saturday, August 19, 2017, from 5 :00 p.m. until 10:00 p.m.**

12. APPLICATION, (No Representation Required)

Society of Senhor Da Pedra, Megan DaRosa, Feast President who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser/ A Feast of Senhor Da Pedra' to be held on the **Madeira Field – Stands 1 & 2**, located on **Madeira Avenue**; and to be held on **Friday, August 18, 2017 from 6:00 p.m. until 11:45 p.m.**, **Saturday, August 19, 2017 from 6:00 p.m. until 11:45 p.m.**, and **Sunday, August 20, 2017 from 2:00 p.m. until 11:00 p.m.** *(Final approval will require Liquor Liability and a copy of the Police Detail Contract)*

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

13. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '8th Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 26, 2017, from 6:00 p.m. until 11:00 p.m.**

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

14. APPLICATION, (No Representation Required)

Cheryl Jacobs, Applicant, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Wedding Reception", to be held at **Ft. Taber Community Center**; and to be held on **Saturday, September 9, 2017, from 6 :00 p.m. until 10:00 p.m.**

15. APPLICATION, (No Representation Required)

Bernadette Furtado, Applicant, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a "50th Birthday Party", to be held at **Ft. Taber Community Center**; and to be held on **Saturday, September 23, 2017, from 12 :00 p.m. until 10:00 p.m.**

16. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Devin Tillman, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '12th Annual New Bedford Seaport Chowder Festival', to be held on **Pier 3**; and to be held on **Sunday, October 8, 2017 from 12:00 p.m. until 5:00 p.m.**

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

Tabled At 06/26/17 Meeting

17. APPLICATION (Special Permit Has Been Approved/"NEW LOCATION")

Maximiliano M. Galvan, who resides at **240 State Street, N.B. MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Union Auto Towing, Inc. d/b/a Union Auto Towing #3**, with premises situated at **649 Mt. Pleasant Street**. Upon completion of renovations, plans indicated site will be used for car sales and repairs; Total amount of cars for display will be determined by Inspectional Services.

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

18. APPLICATION, (Special Permit Has Been Approved/Change of Ownership)

Martha Perez, who resides at **777 County Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Ebenezer Used Tires, Mechanical Work, and Used Car Sales**, with premises situated at **1519 Purchase Street**.

Note: Site was previously licensed to **Universal Used Autos & Repairs**, license was surrendered on **04/25/17**; site was previously approved for the display of **Ten (10) cars** by the **Office of Inspectional Services**.

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

19 .Hearing: Our Lady Of Angels Band, Inc.

Mario J. Duarte, Manager
1446-1452 Acushnet Avenue

Your presence is requested at a hearing to be held to determine whether you have violated certain provisions of M. G. L. and Alcoholic Beverages Control Commission (ABCC) Regulations. This hearing is being held as a result of your failure

to comply with the June 1st deadline to submit a completed application updating your officers and directors as required by the Alcoholic Beverages Control Commission.

At the time of this hearing, if your organization remains non-compliant the Board must take action and as such, **you are hereby instructed to bring with you your 2017 Liquor License.** Depending on the Board's decision, you may be required to surrender your license until this matter is resolved.

Please contact this office immediately upon receipt of this notice for assistance with this matter.

20. Hearing: Carrig, Inc. d/b/a Hibernia Brew Pub

Mr. Barry Flynn, Manager/Owner

109 William Street

Re: Closed 05/17/17

Prior Renewal 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 to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 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 General on Premise All Alcoholic Beverages License.

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

Mr. Philip C. Beard, Manager

672 - 674 Pleasant Street

Re: Closed 06/30/17

Prior Renewal 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 to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 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 General on Premise All Alcoholic Beverages License.

22. Hearing: Madeira Cafe, Inc. d/b/a Madeira Cafe

Ms. Caroline DaCosta, Manager/Co-Owner

70-76 Church Street

Re: Closed 06/30/17

Prior Renewal 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 to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 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.

You are also required to bring in all your licenses issued by this office to this meeting if you have not already done so, which should include the following: your Liquor License, Common Victualler Restaurant License, Music License, Entertainment License, and your Automatic Amusement Device License.

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.

23. Hearing: Portugal Verde Soccer Academy, Inc.

Mr. Isaias M. Furtado, Manager

424 Nash Road

Approved on 12/09/15 – Never Opened

Prior Renewal Hearings: (5)

Your presence is respectfully requested at a hearing at the request of the members of this Board **to determine if are in full compliance to be issued your liquor license for 2017; failure to be in full compliance may require the Board to initiate its decision of 01/23/17, as stated below.**

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 General on Premise Wine & Malt Only Beverages License.

01/23/17 Written Decision

Per your recent hearing to determine the status of your annual liquor license, **this Board voted unanimously to revoke your General on Premise Wine and Malt Only Beverages License, however, the revocation has been set aside until the Board’s July 24, 2017 meeting.**

The Board’s decision was based on your failure to meet requirements as set forth by the Office of Inspectional Services and the Fire Department (M.G.L. Ch. 138, sec. 64-failure to comply with the Laws of the Commonwealth, To Wit: M.G. L. Chapter 138, section 77, Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, and local Building Code Regulations) in order for you to be issued your Occupancy Permit and 304 Fire Certificate. Both of these forms are required for you to receive your liquor license.

As you are aware, your license has been inactive since December 9, 2015. We understand your issues with Inspectional Services but unfortunately they are issues that are out of our control. That said, it is our responsibility to ensure that your license gets activated and it is for this reason that the Board set-aside the revocation for six months with the hope that you can resolve your building issues or to give you adequate time to sell the license.

You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. within five (5) days of receipt of this notice with a copy submitted to this office.

24. 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: (7)

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 120, on Monday evening, July 24, 2017 at 7:00 p.m.**, 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 to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 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.

03/06/17 Written Decision

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, during which the Board considered your request for a 6 month extension to complete the ongoing renovations; **the Board voted unanimously to approve your request and to table the matter until this Board’s July 24, 2017 meeting.**

The Board’s decision was based on the written request submitted by Atty. (Chris) Markey on your behalf, in which he stated that due to some financial issues that arose because of some extra work that needed to be done, that some additional time would be needed to complete the renovations; adding that he believes that everything should be resolved within the next 6 months.

If you are operational by July 24, 2017, you will not be required to appear as notified.

25. Hearing: Ramon D. Silva Enterprises, LLC d/b/a “Union City”

Mr. Ramon D. Silva, Owner
248-250 Union Street

Closed 11/16/15 – Licensee Decision
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. 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 2017 prior to this Board considering approval of your 2018 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.

If you fail to submit an application as requested, you will be required to appear before this Board once again, at which time the Board will consider revoking your license for non-use.

04/25/17 Written Decision

As a result of the open hearing held on April 24, 2017 to determine the status of your annual liquor license for the year 2017, **this Board voted unanimously to table the matter until this Board’s June 26, 2017 meeting.**

The Board’s decision was based on the information that you provided to the Board in which you stated that you were finalizing a lease to move your license to a new location; and that you planned to keep your license and operate the premises yourself.

You were also instructed by the Board to submit a completed application in a sufficient amount of time, so that it may be

placed on the June Agenda for consideration by the Board for approval.

Please be advised that a completed application must be submitted by June 9, 2017 in order for it to be properly advertised.

Should you need assistance in filing your application for a transfer of license, please contact this office at your earliest convenience.

26. Hearing: Albert J. Santos d/b/a Royal II

Mr. Albert J. Santos, Owner

123 MacArthur Drive

Transfer Approved On 08/30/16

Prior Renewal Hearings: (2)

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 to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2018 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 General on Premise All Alcoholic Beverages License.

11/21/16 Written Decision

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

As a result of the open hearing held on November 21, 2016 to determine the status of your annual liquor license for the year 2016, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2017 renewal application; **the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Board’s June 26, 2017 meeting with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until June 1, 2016 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

27. Hearing: 161 Highland Avenue, Inc. d/b/a Trio Restaurant

Ms. Sandra Rodrigues, Owner

418-420 Rivet Street

Closed – 11/13/16 Licensee Decision

Prior Renewal Hearings: (1)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. 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 2017 prior to this Board considering approval of your 2018 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 All Alcoholic Beverages License.

01/23/17 Written Decision

Present: Licensee was excused from appearing.

Mr. Nanopoulos informed the Board that he had spoken to Atty. Kehoe’s paralegal who stated that she was working on a transfer of license back to the owner of the building, and that it was their intention to hopefully have the application submitted in time for the February meeting but no later than for the March meeting.

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

Re: Closed 11/21/16 Licensee Decision

Prior Renewal Hearings: (2)

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 314, on Monday evening, July 24, 2017 at 7:00 p.m.**, 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.

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.

02/26/17 Written Decision

As a result of the open hearing held on February 27, 2017 to determine the status of your annual liquor license for the year 2017, this Board, based on the information you provided in which you stated that you’re still interested in selling your license and that there was one potential buyer currently negotiating a lease with the owner of the building and that the license would remain at the same location, **voted unanimously to table the matter until this Board’s July 24, 2017 meeting.**

An application for Transfer of License must be submitted as soon as possible but no later than Friday, July 7, 2017.

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 the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)*

Your license has been inactive since November 21, 2016 and you have been afforded ample opportunity to take action.

We strongly advise that you ensure that there are no outstanding issues with the DOR and DUA, so that the transfer application is not held up once it’s submitted.

If an application for transfer is submitted by July 7, 2017, you will not be required to appear as notified.

Rec’d 07/12/17 – A written request by Atty. Gregory Longo to table the matter until the Board’s August 28th Meeting, due to a scheduling conflict on this date.

29. Hearing: Simba, Inc.

d/b/a Whiskey Lounge

Ms. Kristina Morrow, Manager/Co-Owner

1669 Acushnet Avenue

Your presence and that of **Kevin Sbardella, Bouncer**, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They 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-

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 1653 Acushnet Avenue as a result of a neighbor's complaint of possibly hearing gun shots (5) being fired emanating from this area; the shots were also recorded by Shotspotter.

Upon arrival the Officers observed a large crowd of approximately 15 to 20 people outside of the Whiskey Lounge on the Tinkham Street side of the building. Upon seeing the Officers, the crowd immediately began to disperse with some going back into the bar, and others taking off on foot or in vehicles.

Upon entering the premises from the side door, the Officers observed 25-35 people inside and approximately 5 more people standing at the front door. The Officers talked to several people that kept stating that there was a fight between two females outside. The Officers also stated that the crowd was extremely uncooperative. Officers then located two witnesses who stated that an incident occurred inside the premises, and at some point a male exited the bar brandishing a firearm and fired 3 to 4 shots in the air.

Another female witness stated that she was inside the bar when another female approached her and they began to argue inside the establishment. The witness stated that she left and went outside at which point the other female followed her outside and they began to physically fight.

She also stated that someone from the bar took her identification and phone.

When asked by the Officers what had transpired prior to their arrival, the bouncer (Kevin Sbardella) stated that nothing had happened that he was aware of.

When asked if he had any knowledge of the fight that occurred outside or of the male that had left the Whiskey Lounge with a firearm, and firing it in the street, the bouncer insisted he had no knowledge of any incident that had occurred outside, and that he was standing at the front door for the last 15 to 25 minutes.

Date and time of alleged violations: Friday, May 26, 2017 @ approximately 12:25 a.m. - Police Report # 17-6208-OF

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

until this matter is resolved.

- **CORRESPONDENCE**

From: Ralph Sacramone, Executive Director

Dated – 06/28/17 Received –06/28/17

Re: Quick Stop Convenience, Inc.

2344 Acushnet Avenue

Notice of Hearing Date: Thursday, October 12, 2017 @ 10:00 a.m. An appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 2344 Acushnet Avenue.
“NEW DATE”

From: Ralph Sacramone, Executive Director

Dated – 06/28/17 Received –06/28/17

Re: Cork County, Inc. d/b/a Slainte Irish Pub

34 Union Street

Notice of Hearing Date: Tuesday, September 5, 2017 @ 11:00 a.m.; A hearing will be held by the Alcoholic Beverages Control Commission to determine whether the *Licensee* violated certain provisions of M.G. L. and Code of Massachusetts Regulations (CMR) as follows: 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, **to wit: M.G.L. Ch. 138 sec. 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.**

Date of Alleged Offense: Thursday, April 27, 2017 at approximately 11:55 p.m.

“3 Counts”

In City Council June 22, 2017

Received 07/07/17

The undersigned **María Pérez d/b/a Ebenezer Used Tires, Mechanical Works, and Used Car Sales, 1519 Purchase Street** petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Sales & Repairs**.

IN CITY COUNCIL, July 21, 2016

Special Permit Granted

Dennis W. Farias, City

Clerk

Presented to the Mayor for approval June 26, 2017

Dennis W. Farias, City

Clerk

Approved June 30, 2017

Jonathan F. Mitchell,

Mayor

• **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. County Street Liquors	#17-8252-OF	07/07/17	Selling Alcohol Prior To Allowed Starting Time (Approximate Time of Violation 7:00 a.m.)

• **Upcoming Summer Events & Festivals (For Review Only)**

- Summer Concert Series – July thru Sept. – “Licenses Applied For – No Changes”
- Feast of the Blessed Sacrament (Madeira Feast) – Aug. 3rd, 4th, 5th, & 6th – Approved On 06/26/17
- 12th Annual N. B. Seaport Chowder Festival – Sept. 24th - “Licenses Applied For – No Changes”

• **NEXT TWO MEETING DATES:** August 28th & September 25th both on Mondays, in Ashley Room (120)

• **MEETING ADJOURNED:**