



*Commonwealth of Massachusetts  
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Alcoholic Beverages Control Commission  
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**THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”)**  
**MEMORANDUM ON LICENSE APPLICATION FORMS**

Dear Local Licensing Authority:

Thank you for your continued support with our effort to streamline the retail alcoholic beverages application process. Without you, this endeavor would not be possible.

Over the past several weeks, in response to feedback from you, the licensees, and other stakeholders, the ABCC has updated several of its policies. As a result, we have updated the applications, and added a new question to the Form 43. These changes should streamline the licensing process significantly.

Please note that the applications have been updated on the ABCC website. **Please direct your licensees to use the applications and forms on the ABCC website, as other previous versions of the applications are now outdated.** Retail forms can be found at <http://www.mass.gov/abcc/forms.htm>.

The following changes have been made to the applications:

- Question 7, the “Description of Premises” question, has been clarified. The Description listed on the Form 43 should match Question 7 exactly;
- In Question 8, if a landlord is receiving a percentage of alcohol sales as part of the rental agreement, they will no longer have to provide Personal Information Forms or CORI Forms. The landlord entity will still have to be listed in Question 10 as having a beneficial interest, however;
- In Question 8, if an applicant owns the premises on which it has applied a retail license, a copy of the deed is no longer required;
- The following policy changes apply to Question 10:
  - Shareholders must disclose the percentage of shares each shareholder owns in the company, but are no longer required to disclose the number of shares; Secretary of the Commonwealth, Corporations Division (SOC) Signatories will no longer have to provide Personal Information Forms, unless they have ownership interest in the license;
  - A guarantor for financing of a transaction is no longer considered to have a beneficial interest in a license;
  - An individual lender will no longer be considered to have a beneficial interest in the license strictly by nature of the loan.

- The following policy changes apply to Question 17:
  - Affidavits are no longer required from individuals that have provided financing to applicants, as long as they have not been listed in Question 10 as having a beneficial interest in the license;
  - Where a loan is contingent upon license approval a commitment letter from the commercial lending institution will be acceptable;
  - Only individuals or entities providing funds of \$50,000 or greater towards the transaction will be required to provide proof of funds. For example: a transaction is \$100,000, where one person is providing \$20,000 towards it and the other is providing \$80,000. Only the person providing \$80,000 will have to show source of funds.

Further, please make note of these additional updates:

- A retail licensee can now transfer a license and upgrade from a wines and malt beverages license to an all alcoholic beverages license at the same time. In other words, a licensee receiving a transferred wines and malt license can now upgrade to an all alcohol license in the same transaction as the transfer with no additional cost;
- The ABCC has issued new Patio Guidelines, superseding the previous Guidelines which had been in effect since 1989. The new Patio Guidelines may be found at: <http://www.mass.gov/abcc/pdf/08.05.15PatioGuidelines.pdf>;
- A question has been added to the Form 43 regarding whether a license is being issued pursuant to special legislation. Please use the Form 43 on the ABCC website, as it is the most current, up-to-date version of the Form.  
It can be found at <http://www.mass.gov/abcc/pdf/forms/form43.pdf>.

Questions concerning this Memorandum may be directed to Ryan Melville, Licensing Supervisor, of the Massachusetts Alcoholic Beverages Control Commission at (617) 727-3040 x 718.

(Issued August 26, 2015)