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Jean M. Lorizio, Esq.
Chairman

MEMORANDUM AND ORDER
ON LICENSEE'S REQUEST FOR RECONSIDERATION

THE CLUB AT IL PANINO INC. D/B/A UMBRIA
295 FRANKLIN STREET
BOSTON, MA 02118
LICENSE#: 011600382
VIOLATION DATE: 5/15/2000
HEARD: 01/25/2017

The Club at Il Panino, Inc. d/b/a Umbria ("Il Panino" or the "Licensee") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. On June 23, 2016, the Alcoholic Beverages Control Commission (the "ABCC" or the "Commission") issued a decision (the "Decision") in which it found that on Monday, May 15, 2000, the Licensee violated a lesser included charge of M.G.L. c. 138, § 23, namely M.G.L. c. 138, §15A – Failure to disclose all individuals who have a direct or indirect beneficial interest in the license.

By decision dated June 24, 2016, the Commission found the Licensee in violation of the charge and indefinitely suspended the License effective forthwith until further written order from this Commission.

The Commission urged the Licensee to file a corrective application with the Local Licensing Authorities for the following changes:

1. Change of corporate name from The Club at Il Panino to the asserted current corporate name of L.B.E. Inc.;
2. Transfer of stock to the asserted current stockholders;
3. Change of officers/directors/stockholders/LLC managers to the asserted current officers/directors/stockholders/LLC managers;
4. Any other changes necessary to bring the Licensee into compliance with M.G.L. c. 138.

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension would include, but not be limited to the Licensee filing with both the Commission and the Local Licensing Authorities the appropriate license applications, as set forth above, and that such appropriate applications be granted by the Local Licensing Authorities and approved by the Commission.

By letter dated January 4, 2017, the counsel for the Licensee requested a hearing to reconsider the indefinite suspension. The Licensee's counsel along with the owner of the Licensee and the Manager of Record attended a hearing before the Commission on January 25, 2017, and argued that good cause exists to reconsider the indefinite suspension.

The following documents are in evidence:

- 1) Letter from Attorney Ferullo, dated January 4, 2017; and
- 2) Licensee's Corrective Application.

There is one (1) audio recording of this hearing. The Commission took administrative notice of the Commission records regarding this Licensee.

CONCLUSION

Based on the evidence presented at the hearing, the Commission reconsiders and reverses its prior order of **INDEFINITE SUSPENSION** of the license of The Club at Il Panino **effective forthwith**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: February 8, 2017

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Christopher Temple, Investigator
William G. Ferullo Esq. via facsimile 617-946-4624
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Administration, File