

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Stephen B. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gansler, 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: 5/15/2016**  
**HEARD: 4/12/2016**

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. The day after the Commission issued its decision, on June 24, 2016, the Commission received the Licensee's motion for reconsideration (the "Motion") of the indefinite suspension. In the Motion, the Licensee reasons that the indefinite suspension will jeopardize the viability of the establishment and cause irreparable harm with likely loss of employees and business.

The Licensee has not persuaded the Commission that good cause exists to reverse the indefinite suspension. The Licensee has not cited any legal argument to support reconsideration of the indefinite suspension. The indefinite suspension is warranted and consistent with a long line of other decisions. "[T]he licensing authorities have the legitimate right to expect full disclosure of holdings in the nature of substantial indirect as well as direct beneficial interests in an entity which seeks to own a license, particularly where specific inquiry is made on the issue, so that the agencies will be able properly to discharge their obligations of ensuring that the applicant meets the requirements imposed upon a prospective licensee." Number Three Lounge, Inc. v. Alcoholic Beverages Control Commission, 7 Mass. App. Ct. 301 (1979) (affirming decision to revoke license). Section 23 authorizes the imposition of a suspension or revocation for noncompliance. See Cleary v. Cardullo's, Inc., 347 Mass. 337, 346-350, 198 N.E.2d 281 (1964).

Moreover, the Licensee has not shown that since the hearing it has taken any steps necessary to correct its Commission file by filing a corrective application with the Local Licensing Authorities to change the corporate name, stock, officers/directors/stockholders/LLC managers, D.B.A., and any other appropriate changes.

The Commission urges 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;
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. Change of D.B.A. from Umbria to the asserted current D.B.A; and
5. Any other changes necessary to bring the Licensee into compliance with M.G.L. c. 138.

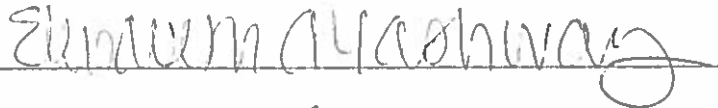
#### CONCLUSION

Based on the evidence, the Commission **DENIES** Licensee's Motion for Reconsideration and **CONTINUES** the **INDEFINITE SUSPENSION** of The Club at Il Panino, Inc. d/b/a Umbria until further written order of the Commission.

Good cause for the Commission to consider issuing a further written order revising the order of indefinite suspension will 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.

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: June 30, 2016

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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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Christopher Temple, Investigator  
William G. Ferullo Esq. via fax: 617-946-4624  
Thomas Orlandi Esq. via fax: 617-376-0254  
Administration, File