



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**POET KING RESTAURANT LLC D/B/A HUNGRY COYOTE
1185 HIGHLAND AVENUE
NEEDHAM, MA 02492
LICENSE#: NEW
HEARD: 10/30/2024**

This is an appeal of the action of the City of Needham Licensing Board (“Local Board” or “Needham”) in denying the M.G.L. c. 138, § 12 All Alcohol Retail License application of Poet King Restaurant LLC d/b/a Hungry Coyote (“Appellant” or “Poet King” or “Hungry Coyote”) to be exercised at 1185 Highland Avenue, Needham, MA 02492. The Appellant timely appealed the Local Board’s decision to the Alcoholic Beverages Control Commission (the “Commission” or “ABCC”), and a remote hearing was held via Microsoft Teams on Wednesday, October 30, 2024.

The following documents are in evidence as exhibits:

- A. Summary Suspension Order, dated 12/31/2021;
- B. Video of January 11, 2022, Select Board Hearing;
- C. Local Board’s Decision, dated 1/14/2022 (Suspension of License);
- D. Videos of February 14, 2023, and April 12, 2023, Select Board Hearings;
- E. Local Board’s Decision, dated 4/19/2023 (Denial of Change of Corporate Structure);
- F. Local Board’s Notice – Non-Use of Liquor License, 4/19/2023;
- G. Local Board’s Notice of Hearing Pursuant to G.L. c. 138, § 23 and § 77 on July 25, 2023, dated 7/13/2023;
- H. Video of July 25, 2023, Select Board Hearing;
- I. Local Board’s Decision, dated 7/26/2023 (Cancellation of License);
- J. Poet King’s Application for New Liquor License: First Application Submittal, dated 8/13/2024;
- K. Communications from Town Staff to N. L. regarding the First Application Submittal;
- L. Poet King’s Application for New Liquor License: Second Application Submittal, dated 9/3/2024;
- M. Poet King’s Application for New Liquor License: Third Application Submittal, dated 9/5/2024;

- N. Notarized CORI Authorization Form for N.L., dated 9/04/2024;
- O. Department of Criminal Justice Information Services Criminal Offender Record Information report for N.L., dated 9/09/2024;
- P. Notice of CORI Report Result, dated 9/10/2024;
- Q. Video of September 10, 2024, Select Board Hearing;
- R. Local Board's Decision, dated 9/13/2024 (Denial of Request for a New Liquor License);
- S. Appellant's email to Commission's Assistant, dated 9/17/2024 at 11:07 a.m.;
- T. Appellant's Letter to Appeal Local Board's 9/13/2024 decision;
- U. Appellant's Email to Commission's Assistant, dated 9/17/2024 at 11:19 a.m.;
- V. Pages 2-6 of the Local Board's Decision, dated 9/13/2024.

There is one (1) audio recording of this hearing, and three (3) witnesses testified.

FINDINGS OF FACT

1. On August 13, 2024, Poet King Restaurant LLC filed with the Local Board an application for a new all alcoholic beverages on-premises license to be exercised at 1186 Highland Avenue, with N. L. listed as the sole owner and L. L. the proposed manager of record. (Testimony, Exhibit J)
2. Between August 15 and September 10, 2024, the Local Board contacted the Applicant multiple times regarding missing and/or incorrect information on its application. (Testimony, Exhibit K)
3. On September 3, 2024, the applicant filed a "Second Application Submittal" and on September 5, 2024, filed a "Third Application Submittal." (Testimony, Exhibits L, M)
4. Poet King Restaurant LLC had previously held a license at another location from approximately early May of 2019 until it was cancelled by the Local Board on July 26, 2023. At the time, Mr. Matthew Salia was the sole shareholder, officer and director. L.L. was the manager of record. N.L. worked for the Licensee as a cook and performed other duties as well. N.L. described his role as being "in charge of the whole restaurant." (Testimony, Exhibits C, I)
5. In January of 2022, the Local Board suspended Hungry Coyote's license for multiple violations, including failure to comply with an order of the local board of health. (Testimony, Exhibit C)
6. In July of 2023, the Local Board cancelled Hungry Coyote's license. (Testimony, Exhibit I)
7. In the first submittal of the present application L.L. did not disclose her prior employment with Hungry Coyote, the Board suspension of Hungry Coyote's license in January 2022 or the Board's cancellation of the license in July 2023. (Testimony, Exhibit J)

8. After the Local Board pointed out errors and omissions in the application, in the second and third application submittals L.L. disclosed her employment history with Hungry Coyote and listed one prior disciplinary action with a date of 4/2022¹. (Testimony, Exhibits K, L, M)
9. N. L. provided false information in the application. (Testimony, Exhibits J, L, M, N, O, P)
10. The Local Board held a public hearing on September 10, 2024, regarding Poet King's application for a new § 12 all-alcoholic beverages liquor license. (Testimony, Exhibit Q)
11. After the hearing, the Board voted to deny the application for the following reasons:
 - a. The application included false statements in violation of 204 CMR 2.01(8) to wit;
 - i. [L.L.]'s employment history does not reflect her actual dates of employment;
 - ii. [L.L.] failed to list the disciplinary actions taken on January 11, 2022, and July 25, 2023, by this Board in Section 10.D of the application; and
 - iii. [N.L.] provided false statements in his portion of the application materials.
 - b. The Board finds that within the meaning of Massachusetts liquor licensing law, [N.L.] is not of "good character" to hold a license for the following reasons:
 - i. [N.L.] has a history of ignoring orders of local municipal bodies, including disregard for a Summary Suspension Order of the Needham Board of Health; and
 - ii. [N.L.] has provided information to the Select Board relating to this application that he knows to be false, including information related to prior violations of the license.
 - iii. [N.L.] has delayed providing documents requested by the Select Board relevant to this hearing.
 - iv. The contents of the CORI report received in connection with this application. (Testimony, Exhibit R)
12. The Local Board notified the applicant of the denial of its application by written decision dated September 13, 2024. Id.
13. The applicant appealed the Local Board's decision to the ABCC. (Exhibit T)

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Connolly v. Alcoholic Beverages Control Comm'n., 334 Mass. 613, 619 (1956), Opinion of Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of

¹ The evidence before the Commission shows the Local Board issued a decision in January of 2022 regarding multiple violations. There is nothing in the record indicating the Local Board took any action against Hungry Coyote in April of 2022.

licenses to sell alcoholic beverages is set out in M.G.L. c. 138. Licenses must be approved by both the local licensing authorities and the Commission. M.G.L. c. 138 §§12, 67; Beacon Hill Civic Assn. v. Ristorante Toscano, Inc., 422 Mass. 318, 321 (1996).

Both the Local Board and the Commission have the authority to grant, revoke, and suspend licenses. Their powers were authorized “to serve the public need and . . . to protect the common good.” M.G.L. c. 138, § 23, as amended through St. 1977, c. 929, § 7. “[T]he purpose of discipline is not retribution but the protection of the public.” Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given “comprehensive powers of supervision over licensees,” Connolly v. Alcoholic Beverages Control Comm’n, 334 Mass. 613, 617 (1956), as well as broad authority to issue regulations. The Local Board has authority to enforce Commission regulations. New Palm Gardens, Inc. v. Alcoholic Beverages Control Comm’n, 11 Mass. App. Ct. 785, 788 (1981).

The Appeals Court has held that a local board may deny a license even if the facts show that a license lawfully could be granted. Donovan, 65 Mass. App. Ct. at 379. “Neither the [local board’s] broad discretion nor the limitations on judicial review, however, mean that the [local board] can do whatever it pleases whenever it chooses to do so. See Id. “Instead, ‘[w]here the factual premises on which [the board] purports to exercise its discretion is not supported by the record, its action is arbitrary and capricious and based upon error of law and cannot stand.” Id. (quoting Ruci v. Client’s Sec. Bd., 53 Mass. App. Ct. 737, 740 (2002)).

The statute authorizing the issuance of liquor licenses speaks in terms of serving “the public need and in such a manner as to protect the common good and, to that end, to provide, in the opinion of the licensing authorities, an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale of which provision is made.” G.L. c. 138, § 23, as amended by St. 1965, c. 399.

The Appeals Court has discussed the statutory standard to grant a license and the factors that a licensing authority may properly consider in its decision whether to grant or deny a license application. In Ballarin Inc., v. Licensing Board of Boston, 49 Mass. App. Ct. 506 (2000), the Appeals Court held that:

In making its discretionary determination, a licensing authority may take into account a wide range of factors -- such as traffic, noise, size, the sort of operation that carries the license, and the reputation of the applicant. See Connolly v. Alcoholic Bevs. Control Commn., 334 Mass. at 617-618; Great Atlantic & Pac. Tea Co. v. Board of License Commrs. of Springfield, 387 Mass. 833, 837 (1983); Beacon Hill Civic Assn. v. Ristorante Toscano, Inc., 422 Mass. at 322 n. 4; Hub Nautical Supply Co. v. Alcoholic Bevs. Control Commn., 11 Mass. App. Ct. 770, 772-774 (1981). Ballarin, 49 Mass. App. Ct. at 510-512.

The Appeals Court has decided that the statute is not about the definition of need “in the literal sense of a requirement, rather, the test includes an assessment of public want, and the appropriateness of a liquor license at a particular location. In determining whether an application for an alcoholic beverages license should be granted, “a licensing authority may take into account a wide range of factors, including the sort of operation that carries the license, and the reputation of the applicant.” Ballarin, Inc. v. The Licensing Board for the City of Boston, 49 Mass. App. Ct. 506 (2000).

“Whenever a Local Board denies an application for a new license, refuses to issue a license, modifies, suspends, revokes or cancels a license, denies an application for transfer of location or between persons, denies an application for change of a description of the licensed premises, or levies a fine, the Local Board shall . . . stat[e] the reasons for such action.” M.G.L. c. 138, § 23. “A board’s written findings “must be ‘adequate to enable [the Commission] to determine (a) whether the order and conclusions were warranted by appropriate subsidiary findings, and (b) whether such subsidiary findings were supported by substantial evidence.’” Exotic Restaurant Concepts, Inc. v. Licensing Bd. For the City of Boston, Suffolk Superior Court, 0784 CV 03287 at 5-6 (Borenstein, J., Aug. 8, 2008), quoting Charlesbank Rest. Inc. v. Alcoholic Beverages Control Comm’n, 12 Mass. App. Ct. 879 (1981); accord Murfslix, Inc. d/b/a Murphy’s Package Store (ABCC Decision March 21, 2013) (general findings are legally insufficient).

In reviewing the decision of a denial by a local licensing authority, the Commission gives “reasonable deference to the discretion of the local authorities” and determines whether “the reasons given by the local authorities are based on an error of law or are reflective of arbitrary or capricious action.” Great Atlantic & Pacific Tea Co., Inc. v. Board of License Comm’rs of Springfield, 387 Mass. 833, 837, 838 (1983); see Ballarin, 49 Mass. App. Ct. 506, 512 (2000) (when reviewing the local licensing authority’s authority, court does not assess the evidence but rather “examine[s] the record for errors of law or abuse of discretion that add up to arbitrary and capricious decision-making”).” Ballarin, 49 Mass. App. Ct. at 511.

Here, the Local Board cited as a reason for denial, the false and/or misleading statements made by both L.L. and N.L. in Hungry Coyote’s application, in violation of 204 CMR 2.01(8). (Testimony, Exhibits J, L, M, R) 204 CMR 2.01(8) states that “[a]ll applications shall be made under the penalties of perjury and any false statement contained in any application shall be cause or ground for refusing to grant the license...” 204 CMR 2.01(8).

In addition, given the false and/or misleading statements by N.L (Testimony, Exhibits J, L, M), his delay in providing documents (Testimony, Exhibit K), the history of violations while N.L. was admittedly operating the licensed premises (Testimony, Exhibits C, I), and “the contents of the CORI report received in connection with this application” (Exhibits O, R), the Board found N.L. unfit to hold a license.

After examining the record of the proceedings before the Local Board, the Commission finds the Local Board fulfilled its responsibility regarding this application. A public hearing was held wherein the applicant was given an opportunity to be heard. The public was given an opportunity to speak. The Local Board considered the application and information provided by the applicant at the public hearing, deliberated and issued particularized findings. The Local Board’s denial of the application based on the false and/or misleading statements of the applicant, as well as the character and fitness of the applicant is within its lawful discretion.

CONCLUSION

Based on the evidence, the Alcoholic Beverages Control Commission (“Commission” or “ABCC”) **APPROVES** the action of the City of Needham Licensing Board in denying the §12 All Alcohol Retail License application of Poet King Restaurant LLC d/b/a Hungry Coyote.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman

Jean M. Lorizio

Crystal Matthews, Commissioner

Crystal Matthews

Deborah Baglio, Commissioner

Deborah Baglio

Dated: February 10, 2026

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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2024-000179-ad-enf

cc: N.L., Appellant
Ivria G. Fried, Esq.
Christopher H. Heep, Esq.
Local Licensing Board
Frederick G. Mahony, Chief Investigator
Administration, File