



***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**LISA LAMMÉ D/B/A GYPSY KITCHEN
1241 HANCOCK STREET
QUINCY, MA 02169
LICENSE#: 1006-00196
HEARD: 5/31/2018**

This is an appeal of the action of the City of Quincy Licensing Board (the "Local Board" or "Quincy") for denying the 2018 renewal of M.G.L. c. 138, § 15 wines and malt beverages license of Lisa Lammé, Individual d/b/a Gypsy Kitchen ("Licensee" or "Gypsy Kitchen") located at 1241 Hancock St., Quincy, Massachusetts. The Licensee timely appealed the Local Board's decision to the Alcoholic Beverages Control Commission (the "Commission" or "ABCC"), and a hearing was held on Thursday, May 31, 2018.

The following documents are in evidence:

1. Local Board's Pre-Hearing Memorandum;
2. Licensee's Letter 4/26/2017 to Quincy City Clerk;
3. Licensee's 2018 Renewal Application;
4. Local Board Notice of Hearing, 12/4/2017;
5. Local Board Meeting Minutes, 12/12/2017;
6. Local Board Notice of Hearing, 12/15/2017;
7. Local Board Meeting Minutes, 12/19/2017;
8. Local Board Meeting Minutes, 1/23/2018; and
9. Local Board's Decision, 1/30/2018.

There is one (1) audio recording of this hearing.

FINDINGS OF FACT

1. Lisa Lammé, Individual d/b/a Gypsy Kitchen ("Licensee" or "Gypsy Kitchen") operates a business with a principal office located at 1241 Hancock St., Quincy, Massachusetts.
2. Gypsy Kitchen holds a § 15 wines and malt beverages license which was approved by the Commission on August 29, 2002. Gypsy Kitchen is an upscale gourmet/gift store which includes bottles of wine in gift baskets. (Commission record)

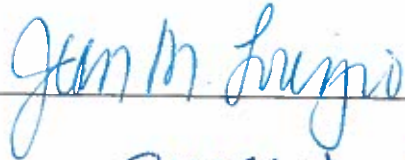
3. By letter dated April 26, 2017, the Licensee notified Quincy that her business would be leaving its location at the end of April but she hoped to find a new location at which to operate and would then transfer her license. (Exhibit 2)
4. On November 22, 2017, Gypsy Kitchen renewed its license but noted on the 2018 Renewal application that it was “actively seeking new location in Quincy[but] this location closed.” (Exhibit 3)
5. The Local Board sent a notice of hearing dated December 4, 2017, to review the status of the license. (Exhibit 4)
6. At the hearing on December 12, 2017, the Local Board voted to continue the hearing on the status of Gypsy Kitchen’s license to December 19, 2017. The matter was later continued again to January 23, 2018. (Exhibits 5, 7)
7. By letter dated December 15, 2017, the Local Board notified that Licensee that the hearing previously scheduled for December 19, 2017, would be continued to January 23, 2018. The January 23rd hearing would consider the license renewal and why the license should not be cancelled for ceasing to conduct business. (Exhibit 6)
8. On January 30, 2018, the Local Board issued a decision not to renew the § 15 wines and malt beverages license of Gypsy Kitchen. (Exhibit 9)
9. The Applicant timely appealed the Local Board’s decision to the Commission, and subsequently, the Commission issued a Notice of Appeal Hearing dated February 22, 2018. (Commission Records)
10. By email dated March 26, 2018, Ms. Lammé asked to continue the hearing on April 5, 2018, which the Commission allowed. A new hearing was scheduled for May 31, 2018 at 1:30 p.m. (Commission Records)
11. The Commission did not receive any written or verbal notice from the Applicant withdrawing her appeal request. (Commission Records)
12. On Thursday, May 31, 2018, the appeal hearing was held as scheduled. (Commission Records)
13. The Commission waited until 1:50 p.m. prior to commencing the hearing. (Commission Records)
14. The Licensee did not contact the Commission and failed to appear at the hearing. (Commission Records)
15. Counsel for the City of Quincy requested summary judgment be granted in its favor based on the documents submitted.
16. The Commission treated Quincy’s Summary Judgement motion as a Motion to Dismiss, and voted to allow said motion.

CONCLUSION

The Licensee or an authorized representative failed to appear and pursue this appeal. Therefore, the Commission **ALLOWS** the City of Quincy's Motion to Dismiss the appeal. This matter is **DISMISSED WITHOUT PREJUDICE FOR FAILURE OF THE APPLICANT TO APPEAR.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: June 22, 2018

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: Janet Petkun, Esq.
Lisa Lammé, owner
Frederick G. Mahony, Chief Investigator
Local Licensing Board
Administration, File