

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

Steven Grossman
Treasurer and Receiver General

Kim J. Guinsboro, Esq.
Chairman

MEMORANDUM AND ORDER

MALVIS ENTERPRISES, INC. DBA WESTFORD WINE & SPIRITS
9 CORNERSTONE SQUARE
WESTFORD, MA 01886
LICENSE#: 144200020
HEARD: 09/24/2013

Malvis Enterprises, Inc. dba Westford Wine & Spirits (the "Licensee" or "Malvis") applied for a transfer of an all alcoholic beverages package license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 28 2013, to determine whether the application for transfer from Westford LLC to Malvis Enterprises, Inc. should be approved or disapproved.

By decision dated June 12, 2013, the Commission said it would consider, at a future date, approving this application, only after strict compliance with the following conditions:

1. Malvis will not directly or indirectly enter into any type of partnership agreement, management contracts or agreements, franchise agreement or purchase agreements with Mr. Kang for any activity arising out of the licensed business;
2. Khemara Kang shall not be allowed in the licensed premises at any time, for any reason;
3. Malvis shall within 48 hours of receipt of this decision, provide the Commission with an inventory of the alcoholic beverages which are the subject of this decision;
4. Malvis and/or Mr. Kang shall within 7 days from the date Malvis receives this decision furnish the Commission with a copy of the invoice for each of the 53 deliveries identified above in paragraph 12;
5. Malvis shall within 48 hours of receipt of this decision, apply for a transportation permit;
6. Once the transportation permit is approved by the Commission, Malvis shall transport the alcoholic beverages at issue to a duly licensed public warehouse licensed to store alcoholic beverages pursuant to M.G.L. c. 138, §20A; Malvis shall bear all costs of storage at this public warehouse;
7. Thereafter, Malvis and/or Mr. Kang shall within 60 days from the receipt of this decision by Malvis to take all steps necessary to have Liquid Luck, LLC removed from the credit delinquency list by fully discharging the indebtedness, including all accrued interest

charges that are due pursuant to the invoice that accompanied the alcoholic beverages at the time they were delivered;

8. Malvis shall also within 60 days from the receipt of this decision by Malvis take all steps necessary to have Malvis removed from the credit delinquency list by fully discharging the indebtedness, including all accrued interest charges that are due pursuant to the invoice that accompanied the alcoholic beverages at the time they were delivered;
9. Once Liquid Luck, LLC has been removed from the credit delinquency list, Mr. Kang shall either apply for a permit to have the alcoholic beverages destroyed at his and/or Malvis' expense or apply for a special permit pursuant to M.G.L. c. 138, §22A to sell the alcoholic beverages identified in paragraph 15 above to any existing licensee in Massachusetts; and
10. Once the § 22A special permit is approved and issued by the Commission, Mr. Kang shall sell the inventory to an existing licensee in Massachusetts and provide the Commission with proof of sale as well as the purchase orders evidencing that the inventory matches the sales.

By its decision, the Commission said it would consider advancing Malvis' application to transfer the license for consideration of approval, once the conditions numbered 1 through 9 above were satisfied. However, the Commission reiterated that any approval issued in the usual administrative process would be subject to conditions numbered 2 and 10 above. The document issued by the Local Licensing Authorities shall bear on the face of the document for every year the license is issued the language of the second condition, viz., "Khemara Kang shall not be allowed in the licensed premises at any time, for any reason."

Thereafter, the Licensee filed a written request to reconsider its transfer application. The Licensee attended a hearing before the Commission on Tuesday, September 24, 2013, and argued that good cause existed to approve the application.

At this hearing, the following documents were admitted in evidence:

1. Transfer Application of Malvis Enterprises, Inc. dba Westford Wine & Spirits.
 - A. Licensee's Letter dated August 21, 2013, Motion for Reconsideration to Approve Application;
 - B. Licensee's Application for Change of Manager to Visoth Nuon;
 - C. Inventory List of Alcoholic Beverages from Liquid Luck, LLC;
 - D. Licensee's Permit to Transport and Deliver Alcoholic Beverages, Approved June 20, 2013;
 - E. Liquid Luck, LLC's Liquidation Permit;
 - F. Letter dated June 19, 2013 from Visoth Nuon with Copies of Invoices for each of the 53 deliveries made to Liquid Luck, LLC.

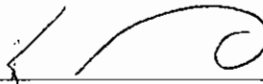
There is one (1) audio recording of this hearing. The Commission took administrative notice of the Commission records regarding these Licensees. Mr. Nuon testified during the hearing.

CONCLUSION

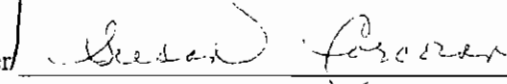
Based on the evidence presented at the hearing, the Commission conditionally approves the application of Malvis Enterprises, Inc. dba Westford Wine & Spirits, and recommends that the application go through the ordinary process. The Licensee must produce invoices, bills and receipts **by November 26, 2013**, from Liquid Luck, LLC **demonstrating that Malvis Enterprises, Inc. dba Westford Wine & Spirits did not purchase the alcoholic beverages from Liquid Luck, LLC.** In addition, the document issued by the Local Licensing Authorities shall bear on the face of the document for every year the license is issued the language of the second condition, viz., "Khemara Kang shall not be allowed in the licensed premises at any time, for any reason."

ALCOHOLIC BEVERAGES CONTROL COMMISSION

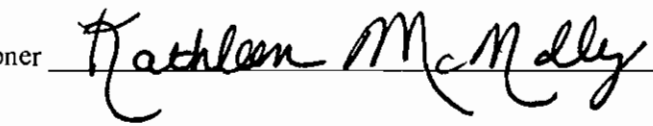
Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: October 1, 2013

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.

cc: Local Licensing Board
Frederick Mahoney, Chief Investigator
Jack Carey, Investigator
Ed Hintlian, Esq. via facsimile 781-587-1713
Administration
File