



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**LEPA SPORTS BAR LLC
1082 MAIN STREET
WORCESTER, MA 01603
LICENSE#: NEW
HEARD: 03/05/2025**

This is an appeal of the action of the City of Worcester License Commission (the “Local Board” or “Worcester”) in denying the M.G.L. c. 138, § 12 All-Alcohol Restaurant license application of LEPA Sports Bar LLC (“LEPA” or “Petitioner”) to be exercised at 1082 Main Street Worcester, MA 01603. The Petitioner timely appealed the Local Board’s decision to the Alcoholic Beverages Control Commission (the “Commission” or “ABCC”), and a hearing was held on Wednesday, March 5, 2025.

The following documents are in evidence:

Agreed Upon Exhibits:

1. LEPA’s Application for a New M.G.L. c. 138, s. All-Alcohol Restaurant License;
2. Lease Agreement, 1082 Main Street Claribel M. Ramos Santos, 01/31/2024;
3. LEPA Business Plan, 11/04/2024;
4. Makao Restaurant Inc.’s Application for an All-Alcohol Restaurant License;
5. Secretary of the Commonwealth Business Entity Summary for Makao Restaurant Inc.;
6. Worcester Police Report – Incident Number 2019000090799;
7. Minutes of the Proceedings of the License Commission of Worcester, 01/05/2017;
8. CJIS Web Printout Re: MA Driver’s License of Lisselotte Ramos;
9. Minutes of the Proceedings of the License Commission of Worcester, 01/09/2025;
10. Local Board’s Notice of Decision addressed to Lisselotte Ramos, 01/21/2025.

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

FINDINGS OF FACT

The Commission makes the following findings based on the evidence presented at the hearing:

1. LEPA Sports Bar, LLC is a Massachusetts Limited Liability Company with a principal place of business at 1082 Main Street Worcester, MA 01603. (Testimony, Exhibits 1, 3, 5)
2. The sole owner of LEPA is Lisselotte Ramos. Ms. Ramos is the proposed manager of record. Id.
3. Ms. Ramos became a United States Citizen in 2022 and at that time, she legally changed her first name from Claribel to Lisselotte. (Testimony, Exhibit 1)
4. On November 16, 2024, LEPA submitted an All-Alcohol Restaurant License Application (“the Application”) to the Worcester Licensing Commission for a new M.G.L. c. 138, § 12 license to be exercised at 1082 Main Street. (Exhibit 1)
5. In completing the liquor license application, Ms. Ramos answered ‘no’ to Question 6B, “Previously Held Interest in an Alcoholic Beverages License” which asks, “[h]as any individual or entity identified in question 6, and applicable attachments, ever “held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?” Id.
6. Question 10C of the Manager Application asks that the proposed manager list his or her employment history. Ms. Ramos disclosed she was the “owner” of Makao Restaurant from March 8, 2014, through August 21, 2021. Id.
7. Ms. Ramos held a direct interest in the license issued to Makao Restaurant, Inc. (Testimony)
8. The CORI Request Form submitted with LEPA’s application indicates Ms. Ramos’ first name is Lisselotte. The question asking for a maiden name or alias was left blank. Id.
9. The Lease submitted with LEPA’s application, executed on January 31, 2024, identifies the lessor as Claribel M. Ramos Santos. Id.
10. Prior to the Local Board’s hearing, Ms. Ramos and her husband, Edison Quinones, attended an interview with Worcester Police Sergeant Thomas Needham to discuss the Application. The interview lasted more than an hour. (Testimony)
11. On January 9, 2025, the Local Board held a public hearing regarding LEPA’s application. (Testimony, Exhibit 9)
12. At the hearing, Sergeant Needham brought to the Board’s attention the Petitioner previously owned Makao Restaurant in Worcester and his research of Ms. Ramos’ social security number revealed two names. Sergeant Needham recommended disapproval of the license due to the inaccurate response to Question 6B on the Application and the inconsistent use of names by Ms. Ramos. (Testimony)

13. The Local Board denied LEPA's application. In its written decision of January 21, 2025, Worcester found, "Ms. Ramos denied any prior beneficial or financial interest in a liquor license on the application, despite having previously owned Mackao Restaurant at 181 Millbury Street. A background check revealed a social security number linked to a different name..." The Board found Ms. Ramos was "...not of good moral character and repute to hold a liquor license as a result of the inconsistencies, inaccuracies, and misrepresentations discovered by the WPD in the application." (Exhibit 10)
14. LEPA Sports Bar, LLC, timely appealed this decision to the ABCC. (Commission Records)

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 the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of 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; see e.g. Beacon Hill Civic Ass'n v. Ristorante Toscano, Inc., 422 Mass. 318, 321 (1996).

The statutory language is clear that there is no right to a liquor license. As Section 23 provides in pertinent part,

[t]he provisions for the issue of licenses and permits [under c. 138] imply no intention to create rights generally for persons to engage or continue in the transaction of the business authorized by the licenses or permits respectively, but are enacted with a view only to serve 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.

M.G.L. c. 138, § 23.

A local licensing authority has broad discretion to determine public convenience, public need, and public good, with respect to whether to grant a license to sell alcoholic beverages. See Donovan v. City of Woburn, 65 Mass. App. Ct. 375, 378-379 (2006); Ballarin, Inc. v. Licensing Bd. of Boston, 49 Mass. App. Ct. 506, 510-511 (2000).

It is well-settled that the test for public need includes an assessment of public want and the appropriateness of a liquor license at a particular location. Ballarin, 49 Mass. App. Ct. at 511. The Appeals Court held that "Need in the literal sense of the requirement is not what the statute is about. Rather the test includes an assessment of public want and the appropriateness of a liquor license at a particular location." Ballarin, 49 Mass. App. Ct. at 511, 512. In Ballarin, the Court identified factors to be considered when determining public need:

Consideration of the number of existing licenses in the area and the views of the inhabitants in the area can be taken into account when making a determination, as well as taking 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. Id.

The Appeals Court has held that a local board may deny a license even if the facts show that a license could be lawfully granted. See Donovan, 65 Mass. App. Ct. at 379. “Neither the [local board’s] broad discretion nor the limitations on judicial review, however, mean that [the 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)).

A Board must state the reasons for its decision to deny the granting of a liquor license. M.G.L. c. 138, § 23. “Adjudicatory findings must be ‘adequate to enable [a court] 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.’” Charlesbank Rest. Inc. v. Alcoholic Beverages Control Comm’n, 12 Mass. App. Ct. 879, 880 (1981) (quoting Westborough v. Dep’t of Pub. Util., 358 Mass. 716, 717-718 (1971)). General findings are insufficient, and if the licensing board does not make sufficient findings, “it remain[s] the Commission’s obligation to articulate the findings of fact, which were the basis of the conclusions it drew,” and not merely adopt the findings of the board. Charlesbank Rest. Inc., 12 Mass. App. at 880.

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. at 512 (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”). However, while this discretion of the local licensing authority is broad, “it is not untrammelled.” Ballarin, 49 Mass. App. Ct. at 511.

The Commission examined the record and proceedings before the Local Board and finds Worcester fulfilled its responsibility regarding LEPA’s application. It held a public hearing and after reviewing the application and evidence presented, denied the application citing the fact that the Licensee was untruthful and determined “...the Applicant was not of good moral character and repute to hold a liquor license as a result of the inconsistencies, inaccuracies, and misrepresentations discovered in the application.” (Exhibit 10)

Local licensing authorities are recognized as having expertise regarding the problems affecting the regulation of alcoholic beverages. Great Atl. & Pac. Tea Co., 387 Mass. at 837. A local board may deny a license even if the facts show that a license could be lawfully granted. Donovan v. City of Woburn, 65 Mass. App. Ct. 375 (2006). Because the Local Board’s decision and its consideration of the reputation of the applicant is supported by the record, and was based on a “logical analysis,”

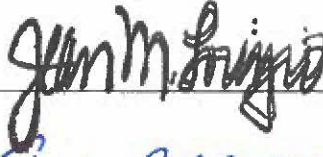
its disapproval of a license for LEPA Sports Bar LLC is not arbitrary and capricious and must be affirmed. Great Atl. & Pac. Tea Co., 387 Mass. at 839-840.

CONCLUSION

Based on the evidence and testimony presented at the hearing, the Alcoholic Beverages Control Commission **APPROVES** the action of the City of Worcester License Commission in denying the M.G.L. c. 138, § 12 All-Alcohol Restaurant license application of LEPA Sports Bar LLC.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: July 28, 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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cc: Jack C. Zachary, Esq.
Brett Walker, Esq.
Local Licensing Board
Frederick G. Mahony, Chief Investigator
Administration, File