

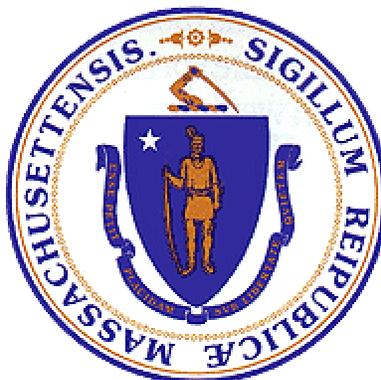
**THE COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION
239 CAUSEWAY STREET
BOSTON, MA 02114**

Telephone: (617) 727-3040

Facsimile: (617) 727-1510

(617) 727-1258

THE BLUE BOOK



May, 2004 Edition

A MESSAGE TO THE MEMBERS, ADMINISTRATORS AND STAFF of
THE LOCAL LICENSING AUTHORITIES

Dear Fellow Regulators,

The Alcoholic Beverages Control Commission (ABCC) has compiled and revised this 2004 edition of "The Blue Book" as a quick reference guide to assist you in processing license applications. We hope this guide answers many questions you may have concerning the licensing process controlling alcoholic beverage establishments in your city or town.

This guide is meant as a permanent addition to the local licensing authority's reference shelf. We hope it will prove valuable in resolving the questions that come before you.

By carefully reading these instructions and following the procedures as outlined, the ABCC will receive a complete application package and both you and the applicant(s) will receive faster license approval from the ABCC.

A few reminders and tips:

1. Payment of fees to the ABCC by certified check is preferred, but personal checks have been accepted.
2. All checks or money orders must be made payable to Commonwealth Of Massachusetts and/or Alcoholic Beverages Control Commission.
3. Form 983 (Application for Transfer of Liquor License) and Form 997 (Petition for Change) are available from legal stationery stores or on the ABCC web site, www.mass.gov/abcc.

We wish you success in your licensing activities and look forward to working with you. Please visit our Web Site at <http://www.mass.gov/abcc>.

Sincerely,

Eddie J. Jenkins, Chairman

Suzanne Iannella, Commissioner

Robert H. Cronin, Commissioner

Ellen M. Moriarty, Executive Director

Top 10 Reasons Applications Are Disapproved,
Returned Without Action, or Stalled At the Commission.

1. Taxes owed to Commonwealth. (Any tax delinquency must be resolved with the Department of Revenue (for both seller and buyer) before Commission approval.)
2. Manager not a citizen. (Applies to all licensees.)
3. Directors not citizens. (Applies to all licensees.)
4. Majority of Board Members not residents of Massachusetts. (Applies to “package store” licensees.)
5. Investigator unable to obtain necessary information to complete report.
6. Quota full.
7. No check submitted.
8. Incomplete Forms submitted.
9. Supplemental information not provided.
10. All forms required by ABCC not submitted to the Local Board and forwarded to the ABCC for approval (e.g., Form A for manager or for all individuals in a partnership.)

TABLE OF CONTENTS

TOP 10 REASONS APPLICATIONS ARE DISAPPROVED, RETURNED WITHOUT ACTION, OR STALLED AT THE ABCC	3
KEY DATES AND TIMELINES	6
Legal Deadlines for Filings	6
Licensing Procedure	7
Statement of Reasons and Appeal Process	7
MATRIX OF LIQUOR LICENSE TRANSACTIONS	8
DOCUMENTS NECESSARY FOR ABCC TO PROCESS LIQUOR LICENSE TRANSACTIONS	9
New License	9
Transfer of License	9
Transfer or Issuance of Stock	10
New Officers/Directors	10
New Stockholders	10
Change of Location/Alteration of Premises	11
Pledge of License/Stock	11
Change of Corporation Name	11
Change of D/B/A	12
Conversions of Seasonal Licenses to Annuals	12
Change of Manager	12
Change of Hours	13
Change License Type	13
Cordials and Liqueurs Permit	13
EXAMPLES OF NECESSARY ABCC FORMS	14
Form 43	14
Form 43 Instructions	15
Petition for License Transaction, Form 997	16
Form 983	17
Certificate of Change of Corporate Directors/Officers	18
Form A: Licensee Personal Information Sheet	19-20
Retail License Application	21-26
Affidavit of Notice of Mailing to Abutter and Others	27
FREQUENTLY ASKED QUESTIONS BY LICENSING ADMINISTRATORS	28
Types of License	28
Hours of Operation	29
Holiday Operating Hours	30
Pledge of License	30
Church, School, Hospital Notification	30-31

THE QUOTA SYSTEM	32
Tables on Quota of Licenses Allowed	33-35
CITIZENSHIP AND RESIDENCY REQUIREMENTS	36
MINIMUM NUMBER OF DIRECTORS	36
IMPORTANT INFORMATION FOR ALL PARTIES IN A LIQUOR LICENSE TRANSACTION	37
FLOW CHARTS OF HEARING PROCESS	38-40

**KEY DATES, TIMELINES AND
DEADLINE REQUIREMENTS FOR FILINGS TO THE ABCC**

Local Licensing Authorities (LLA) are required by law to submit the following material to the ABCC by the deadline specified in the relevant section of the Liquor Control Act, Massachusetts General Laws chapter 138.

- | | |
|----------------------|---|
| NOVEMBER 1-30 | Renewal Forms are available at the Local Licensing Authorities |
| NOVEMBER 30 | Completed Renewal Forms due at Local Licensing Authorities |
| DECEMBER 31 | Completed Renewal Forms must be received at ABCC on or before this date |
| FEBRUARY 15 | Annual Report due |
| MARCH 1 | Estimate of seasonal population as of July 10 taken by Local Licensing Authority in order to grant seasonal § 15 licenses |
| MARCH 1 | Seasonal Renewal Forms available at Local Licensing Authorities |
| APRIL 1 | Estimate of seasonal population must be received at ABCC |
| APRIL 1 | Annual Reports from clubs relative officers and compensation due |

NOTES:

LICENSING PROCEDURE

At the local level the following sequence of events and time limitations must be followed each time an application for the sale of alcoholic beverages is filed. G.L. c.138, §§ 15A, 16B.

1. Completed application filed with local licensing authority and date and hour of filing noted.
2. Advertisement, if necessary, must be published within ten (10) days of filing.
3. Hearings, when required, shall not be held sooner than ten (10) days after the advertising.
4. Applications must be acted on within thirty (30) days after filing.
5. If approved by local licensing authority, applications shall be forwarded to ABCC no later than three (3) days following such approval.
6. The license will be issued by the Local Licensing Authority within seven (7) days of receipt of approval by the ABCC.

STATEMENT OF REASONS AND APPEAL PROCESS

Massachusetts General Laws Chapter 138, section 23 requires that whenever a Local Licensing Authority (LLA) denies an application or modifies, suspends, revokes or cancels a license, the LLA must:

1. Submit a written Statement of Reasons to the licensee and the ABCC and
2. Send a Right to Appeal notice to the licensee.

The Right to Appeal notice tells the applicant/licensee that he/she may appeal this decision to the ABCC within five (5) days of receipt of the Local Board's Statement of Reasons. The 5 days are business days. *In re: Assinippi Liquors, Inc.*, (ABCC Memorandum And Order dated November 18, 2003.)

MATRIX OF LIQUOR LICENSE TRANSACTIONS

TRANSACTION	FORM 43	FORM 983	FORM 997	5 PAGE APPLICATION	\$200 FEE	ARTICLES OF ORGANIZATION	VOTE OF CORP BD	NEWSPAPER NOTICE	ABUTTER NOTIFICATION	FORM A	P&S/PLEDGE AGREEMENT	FLOOR PLANS
NEW LICENSE	X			X	X	X	X	X	X	X		X
TRANSFER OF LICENSE	X	X		X	X	X	X	X		X	X	
TRANSFER/ISSUANCE OF STOCK	X	X		X	X		X	X			X	
NEW OFFICERS/DIRECTORS	X			X	X	CERTIFICATE OF CHANGE	X					
NEW STOCKHOLDERS	X	X		X	X		X	X				
CHANGE OF LOCATION	X		X		X		X	X	X		X	X
ALTER PREMISES	X				X		X	X	X			X
PLEDGE OF LICENSE	X		X		X		X				X	
PLEDGE OF STOCK	X		X		X		X				X	
CHANGE OF CORPORATE NAME	X		X		X	AMENDED ART. OF ORGANIZ.	X					
CHANGE OF D/B/A	X		X			BUSIN. CERT.	X					
SEASONAL TO ANNUAL	X			X	X		X	X	X			X
CHANGE OF MANAGER	X		X		X		X			X		
CHANGE OF HOURS	X						X					
CHANGE OF LICENSE TYPE	X		X		X		X	X				
CORDIALS AND LIQUEURS	X		X				X	X	X			

BANKRUPTCY FILED	INCLUDE BANKRUPTCY COURT PAPERS
LICENSE SURRENDERED	LETTER FROM LOCAL LICENSING BOARD WHICH STATES LICENSEE NAME AND EFFECTIVE DATE OF SURRENDER

DOCUMENTS NECESSARY FOR ABCC
TO PROCESS RETAIL LICENSE APPLICATIONS

NEW LICENSE

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- B. Retail License Application form. Note: Every question must be answered. Very rarely is “Not Applicable” an appropriate and acceptable answer.
- C. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION.**
- D. Applicant’s Articles of Organization (if a corporation) as filed with the Massachusetts Secretary of State (**must contain the Seal of the Secretary of State**).
- E. If the applicant is a partnership, a copy of the written partnership agreement should be included.
- F. If the applicant is a corporation, vote of the Board of Directors of the Corporation appointing a **MANAGER** must be included. ALL MANAGERS MUST BE UNITED STATES CITIZENS, AND MUST BE AT LEAST 21 YEARS OF AGE. PROOF OF CITIZENSHIP MUST BE PROVIDED.
- G. ABCC FORM A. If a corporation, the manager must complete the form. If a partnership, each partner must complete the form. If an individual, the individual must complete the form.
- H. Must be advertised in local newspaper. The LLA must fill in on the Form 43 the date of the advertisement and the name of the publication.
- I. Must notify abutters by Certified Mail. For purposes of liquor license applications (Ch138, § 15A), an abutter is a person whose property directly touches the proposed premises – not someone across the street. A sample Affidavit of Notice of Mailing to Abutter and Others has been included for use by LLA in fulfilling their statutory obligations relative to proper notice.
- J. Churches, synagogues, hospitals and public or private elementary or secondary schools located within 500 feet of the premises of a liquor-serving establishment must be notified by registered mail. In all cases, whether the license is protested or not, the licensing authority must determine in writing after the hearing that the premises is not detrimental to the educational and spiritual activities of such school or church, if approving the application.
- K. A copy of the blue prints or a hand drawn floor plan (drawn to scale) of the proposed new premises.
- L. If the applicant is leasing the premises, a copy of the lease must be included.
- M. Purchase and Sale documents of premises, equipment, furniture, etc. Documents showing applicant has legal right to occupy premises identified in the application, e.g. lease.
- N. Documents verifying sources of financing (i.e. loan papers, checking accounts, stock sales, etc.).

TRANSFER OF LICENSE

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- B. Form 983.
- C. Retail License Application form. Note: Every question must be answered. Very rarely is “Not Applicable” an appropriate and acceptable answer.
- D. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION.**
- E. Applicant’s Articles of Organization (if a corporation) as filed with the Massachusetts Secretary of State (**must contain the Seal of the Secretary of State**).

- F. If the applicant is a partnership, a copy of the written partnership agreement should be included.
- G. If the applicant is a corporation, vote of the Board of Directors of the Corporation appointing a **MANAGER** must be included. ALL MANAGERS MUST BE UNITED STATES CITIZENS, AND MUST BE AT LEAST 21 YEARS OF AGE. PROOF OF CITIZENSHIP MUST BE PROVIDED.
- H. ABCC FORM A. If a corporation, the manager must complete the form. If a partnership, each partner must complete the form. If an individual, the individual must complete the form.
- I. Must be advertised in local newspaper. The LLA must fill in on the Form 43 the date of the advertisement and the name of the publication.
- J. If the applicant is leasing the premises, a copy of the lease must be included.
- K. Purchase and Sale documents, if a transfer. Documents showing applicant has legal right to occupy premises identified in the application, e.g. lease.
- L. Documents verifying sources of financing (i.e. loan papers, checking accounts, stock sales, etc.).

TRANSFER OR ISSUANCE OF STOCK

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- B. Form 983 – needed if transfer of stock.
- C. Retail License Application form. Note: Every question must be answered. Very rarely is “Not Applicable” an appropriate and acceptable answer.
- D. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION.**
- E. Certificate of Change – needed for new officers/directors. (Form CD-53 from Corporation Division of Secretary of State.
- F. Vote of the Board of Directors authorizing the changes .
- G. If Transfer/Issuance of Stock, must be advertised in local newspaper.
- H. Proof of citizenship and residency requirements as found in Ch. 138, § 15 and § 26 and 204 CMR 2.01 (1).

NEW OFFICERS/DIRECTORS

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- B. Retail License Application form. Note: Every question must be answered. Very rarely is “Not Applicable” an appropriate and acceptable answer.
- C. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION.**
- D. Certificate of Change – needed for new officers/directors. (Form CD-53 from Corporation Division of Secretary of State.
- E. Vote of the Board of Directors/Stockholders authorizing the changes.
- F. Proof of citizenship and residency requirements as found in Ch. 138, § 15 and § 26 and 204 CMR 2.01 (1).

NEW STOCKHOLDERS

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- B. Form 983.

- C. Retail License Application form. Note: Every question must be answered. Very rarely is “Not Applicable” an appropriate and acceptable answer.
- D. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION**.
- E. Vote of the Board of Directors authorizing the changes .
- F. Must be advertised in local newspaper. The LLA must fill in on the Form 43 the date of the advertisement and the name of the publication.

CHANGE OF LOCATION/ ALTERATION OF PREMISES

- A. “Alteration” means any increase or decrease in the size, change in the character of the licensed premises or changes in the entrance/exit locations.
- B. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- C. Form 997 – for change of location.
- D. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION**.
- E. Vote of the Board of Directors (if a corporation) authorizing the changes .
- F. Must be advertised in local newspaper. The LLA must fill in on the Form 43 the date of the advertisement and the name of the publication.
- G. Blue prints or hand drawn floor plan (drawn to scale) of the new location or alteration.
- H. Churches, synagogues, hospitals and public or private elementary or secondary schools located within 500 feet of the premises of a liquor-serving establishment must be notified by registered mail. In all cases, whether the license is protested or not, the licensing authority must determine in writing after the hearing that the premises is not detrimental to the educational and spiritual activities of such school or church, if approving the application.
- I. Must notify abutters by Certified Mail. For purposes of liquor license applications (Ch138, § 15A), an abutter is a person whose property directly touches the proposed premises – not someone across the street. A sample Affidavit of Notice of Mailing to Abutter and Others has been included for use by LLA in fulfilling their statutory obligations relative to proper notice.
- J. Documents showing applicant has legal right to occupy premises identified in the application, e.g. lease.

PLEDGE OF LICENSE/STOCK

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- B. Form 997.
- C. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION**.
- D. Vote of the Board of Directors (if a corporation) authorizing the pledge.
- E. Copy of loan documents (promissory note).
- F. Copy of Pledge Agreement.

CHANGE OF CORPORATION NAME

A change of corporation name occurs when a corporation holding a license, e.g., “ABC Inc.”, without changing any stockholder(s), director(s), officer(s) or the license manager, votes to switch its name from “ABC Inc.” to “XYZ Corporation.” **NOTE**: Selling or transferring a

license from “ABC Inc.” to “XYZ Corporation” that does make changes in either the stockholder(s), director(s), officer(s) or the license manager is a transfer of license application. It is NOT simply a change of corporation name. TIP: If a person who is not previously disclosed and approved to be involved with the license applies for simply a “change of corporation name”, the LLA may want to make a close inquiry to determine that no transfer of license or an interest in the license has occurred.

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.) Also, under “remarks,” please type “change of corporate name only.”
- B. Form 997.
- C. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION.**
- D. Amended Articles of Organization filed with the Secretary of State (**MUST CONTAIN THE SEAL OF THE SECRETARY OF STATE**).
- E. Vote of the Board of Directors authorizing the change.

CHANGE OF D/B/A (doing business as)

A “change of dba” occurs when a licensee ONLY changes its trade name. No filing fee to the ABCC is required.

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.) Also, under remarks please type “change of d/b/a only.”
- B. Form 997
- C. Copy of the Business Certificate filed with Town/City Clerk (M.G.L. c. 110 § 5).
- D. Vote of the Board of Directors, if a corporation.
- E. NO ABCC filing fee is necessary.

CONVERSIONS OF SEASONAL LICENSES TO ANNUALS (Ch 138 § 17A and 17B as amended by Chapter 491, Acts of 1984).

This section pertains ONLY TO THE TOWN/CITY WHICH HAS ADOPTED THIS STATUTE

- A. Application is treated as a new license. Articles of Organization or Form A are not required. See all other documents required for a “New License” application.
- B. **Only one Section 12 and one Section 15 license may be converted per calendar year per city/town.**

CHANGE OF MANAGER

TIP: If a person who is not previously disclosed and approved to be involved with the license applies for simply a “change of manager”, the LLA may want to make a close inquiry to determine that no transfer of license or an interest in the license has occurred without approval and will not occur without further approval.

BE SURE APPLICANT COMPLETES AND SIGNS LICENSEE PERSONAL INFORMATION SHEET (FORM A).

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
- B. Form 997.
- C. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION.**
- D. Vote of the Board of Directors.
- E. Licensee Personal Information Sheet (Form A). Note: Question 13 must be answered “yes” or “no.” If answered “yes”, appearances must be disclosed regardless of the deposition of the case. The applicant must provide copy of CORI report verifying response.

CHANGE OF HOURS

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.) with approved hours
- B. If a Corporation, include the vote of the Board of Directors.
- C. No fee required.

CHANGE OF LICENSE TYPE

This transaction is changing a section 12 license from one type to another (i.e. restaurant to hotel). There are 5 types of licenses under section 12: 1) restaurant 2) hotel 3) club 4) tavern 5) general on premises. **NOTE: CHANGING A 6-DAY LICENSE TO A 7-DAY LICENSE IS AN ORIGINAL/NEW LICENSE APPLICATION. IT IS NOT A CHANGE OF LICENSE TYPE**

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)B
- B. Form 997.
- C. \$200.00 check or money order made payable to **COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION.**
- D. If a Corporation, include the vote of the Board of Directors.
- E. Must be advertised in local newspaper. The LLA must fill in on the Form 43 the date of the advertisement and the name of the publication.

CORDIALS AND LIQUEURS PERMIT (Chapter 481, Acts of 1993).

Note: This section pertains only to a town/city that has ACCEPTED this state law.

- A. Form 43 – the original and two copies of the completed Form 43 are needed. Keep one copy at your office and send the original and one copy to the ABCC. (Please be sure that the Form 43 submitted is signed by the LLA to avoid a delay in processing at the ABCC.)
– indicate approval of cordials and liqueurs permit under remarks.
- B. Form 997.
- C. If a corporation, include the vote of the Board of Directors.
- D. Must be advertised in local newspaper. The LLA must fill in on the Form 43 the date of the advertisement and the name of the publication.
- E. Must notify abutters by Certified Mail. For purposes of liquor license applications (Ch138, § 15A), an abutter is a person whose property directly touches the proposed premises – not someone across the street. A sample Affidavit of Notice of Mailing to Abutter and Others has been included for use by LLA in fulfilling their statutory obligations relative to proper notice.

THE COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION

FORM 43

License Number _____ City/Town _____ Date _____

Type of Transaction (Please check all relevant transactions)

- New License New Officer/Director Pledge of License
- Transfer of License Change of Location Pledge of Stock
- Change of Manager Alter Premises Other _____
- Transfer of Stock

Name of licensee _____ FID of Licensee _____

D/B/A _____ Manager _____

Address: Number _____ Street _____ Zip Code _____

Annual or Seasonal _____ Category: All Alcohol, Wine & Malt _____ Type: Restaurant, Club, Package Store
Hotel, General on Premise, Etc.

Premises:

Description of Licensed Property: _____

Application was filed: _____ Date & time _____ Advertised: _____ Date & Publication _____
Abutters Notified ____ Yes ____ No

Person to Contact regarding this transaction: _____

The Local Licensing Authorities
By: _____

Alcoholic Beverages Control Commission
Ellen Moriarty
Executive Director

Remarks: _____

PLEASE NOTE: THE BEST PRACTICE IS FOR THE LOCAL LICENSING AUTHORITY TO FILL OUT THE FORM 43 BEFORE IT IS SIGNED.

INSTRUCTIONS FOR FORM 43

- 1) LICENSE NUMBER assigned by the ABCC
- 2) CITY/TOWN, name of city or town
- 3) DATE GRANTED, date granted by local board
- 4) TYPE OF TRANSACTION, Each type of transaction being granted by local board must be checked off. Other refers to transactions like change in hours, change of dba, or granting of a cordials and liqueurs permit.

- 5) NAME OF LICENSEE is issued, exact name to appear on, license.
- 6) FID if corporation, FEDERAL ID NUMBER
- 7) DOING BUSINESS AS: trade or business name filed with town clerk
- 8) MANAGER: if corporation, there must be a manager
- 9) STREET ADDRESS of licensed premises

- 10) CLASS: annual or seasonal
- 11) CATEGORY: All alcohol, wine and malt, wine only, malt only
- 12) TYPE: restaurant, club, package store, etc.

- 13) Complete description of premises and physical areas where alcoholic beverages will be sold, served, delivered, furnished, consumed and stored.

- 14) Date and time application filed with city/town
- 15) Date advertised, name of publication
- 16) ABUTTERS NOTIFIED: Indicate compliance if transaction requires formal notification

- 17) CONTACT PERSON: Used by ABCC to contact applicant or applicant's representative

- 18) REMARKS: Room for the local board to enter any comments or restrictions about the license application being granted

- 19) SIGNATURE OF LOCAL BOARD

- 20) SIGNATURES, DATE APPROVED AND REMARKS OF ABCC

PETITION FOR LICENSE TRANSACTION

The Commonwealth of Massachusetts

_____ 20 _____

___ Change of Location

___ Pledge of Stock

___ Pledge of License

___ Change of Corporate Name

___ Change of D/B/A

___ Change of Manager

___ Change of License Type

___ Cordials and Liqueurs Permit

To the

Licensing Board for the

The undersigned respectfully petition for

Signed

Title

TOWN OF _____

_____ 2004

TO THE LICENSING BOARD

The undersigned licensee.....

respectfully petitions for the transfer of the.....

(Class of License)

all alcoholics beverages license now exercised by the said licensee on the premises located at

.....
.....

whose address is.....

(If present licensee is a corporation, fill in the following paragraph)

The said licensee is a corporation duly organized under the laws of the Commonwealth of Massachusetts, and its officers, directors and stockholders, their residences, and shares owned by each are as follows:

(NAME) (ADDRESS) (SHARES)
FROM: (PLACE AND * BEFORE THE NAME OF EACH DIRECTOR)

.....
President

.....
Treasurer

.....
Clerk

.....
.....

(If proposed transferee is a corporation, fill in the following paragraph)

The proposed transferee is a corporation duly organized under the laws of said Commonwealth and having a usual place of business in said, and its officers and stockholders, their residences, and shares owned by each are as follows:

(NAME) (ADDRESS) (SHARES)
FROM: (PLACE AND * BEFORE THE NAME OF EACH DIRECTOR)

.....
President

.....
Treasurer

.....
Clerk

.....
.....

The above named proposed transferee hereby joins in this petition for transfer of said license, and respectfully petitions the Board to grant such transfer.

SIGNATURE OF
LICENSEE.....
(If a corporation, by its authorized representative)

SIGNATURE OF PROPOSED
TRANSFEREE.....
(If a corporation, by its authorized representative)

FORM 983

FEDERAL IDENTIFICATION
NO. _____

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

CERTIFICATE OF CHANGE OF DIRECTORS OR OFFICERS OF DOMESTIC BUSINESS CORPORATIONS (General Laws, Chapter 156B, Section 53)

I, _____, *Clerk / *Assistant Clerk
of _____,
(Exact name of corporation)
having a principal office at _____,
(Street address of corporation in Massachusetts)

certify that pursuant to General Laws, Chapter 156B, Section 53, a change in the directors and/or the president, treasurer and/or clerk of said corporation has been made and that the name, residential address, and expiration of term of the president, treasurer, clerk and each director are as follows:

	NAME	RESIDENTIAL ADDRESS	EXPIRATION OF TERM OF OFFICE
President:			
Treasure:			
Clerk:			
**Assistant Clerk:			
Directors:			

SIGNED UNDER THE PENALTIES OF PERJURY, this _____ day of _____, 20____,
_____, *Clerk / *Assistant Clerk.

* Delete the inapplicable words.

**Please provide the name and residential address of the assistant clerk if he/she is executing this certificate of change.

**FORM A
LICENSEE PERSONAL INFORMATION SHEET**

THIS FORM MUST BE COMPLETED FOR EACH:

- A. NEW LICENSE APPLICANT**
- B. APPOINTMENT OR CHANGE OF MANAGER IN A CORPORATION**
- C. TRANSFER OF LICENSE (RETAIL ONLY-SEC.12 & SEC.15)**

(Please check which transaction is the subject of an application accompanying this Form A.)

PLEASE TYPE OR PRINT ALL INFORMATION

ALL QUESTIONS MUST BE ANSWERED AND TELEPHONE NUMBERS PROVIDED OR APPLICATION WILL NOT BE ACCEPTED

1. LICENSEE NAME: _____
(NAME AS IT WILL APPEAR ON THE LICENSE)

2. NAME OF (PROPOSED) MANAGER: _____

3. SOCIAL SECURITY NUMBER: _____

4. HOME (STREET) ADDRESS: _____

5. AREA CODE AND TELEPHONE NUMBER (S): (give both, your home telephone and a number at which you can be reached during the day).

DAY TIME# _____ HOME# _____

6. PLACE OF BIRTH: _____ 7. DATE OF BIRTH _____

8. REGISTERED VOTER: _____ YES _____ NO 8a. Where? _____

9. ARE YOU A U.S. CITIZEN: _____ YES _____ NO

10. COURT AND DATE OF NATURALIZATION: _____
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

11. FATHER'S NAME: _____ 12. MOTHER'S MAIDEN NAME: _____

13. IDENTIFY YOUR CRIMINAL RECORD, IF ANY (Massachusetts, Military, any other State or Federal):

14. ANY OTHER ARREST OR APPEARANCE IN CRIMINAL COURT CHARGED WITH A CRIMINAL OFFENSE REGARDLESS OF FINAL DISPOSITION:

_____ YES _____ NO **(MUST CHECK EITHER YES OR NO)**

15. PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY: _____ YES _____ NO
IF YES, PLEASE DESCRIBE:

16. FINANCIAL INTEREST, DEIRECT OR INDIRECT, IN ANY OTHER LIQUUOR LICENSE, PERMIT OR CERTIFICATE: _____ YES _____ NO
IF YES, PLEASE DESCRIBE:

17. EMPLOYMENT FOR THE LAST TEN YEARS (Dates, Position, Employer, Address, Telephone Numbers):

18. HOURS PER WEEK TO BE SPENT ON THE LICENSED PREMISES: _____

18.I HEARBY SWEAR THAT UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: _____ PROPOSED
MANAGER SIGNATURE DATE

The Commonwealth of Massachusetts

Alcoholic Beverage Control Commission
239 Causeway Street
Boston, MA 02114

Application for Alcoholic Beverage License for Retail Sale

City/Town: _____

- | | |
|--|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Transfer of Stock | (specify) |

SECTION 1:

Name to Appear on the License: _____

Business Name (d/b/a, if different): _____

Manager of Record: _____ FID of Licensee: _____

Address of Premises: _____ Zip Code: _____

Phone Number of Premises: _____

SECTION 2: Type of License: (check one only)

- | | | |
|---|--|--|
| <input type="checkbox"/> Club | <input type="checkbox"/> Package Store | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> General on Premise | <input type="checkbox"/> Restaurant | <input type="checkbox"/> Other |
| <input type="checkbox"/> Hotel | <input type="checkbox"/> Tavern | |

SECTION 3: License Category

- | | |
|---|--|
| <input type="checkbox"/> All Alcoholic | <input type="checkbox"/> Wine and Malt |
| <input type="checkbox"/> Malt Only | <input type="checkbox"/> Wine Only |
| <input type="checkbox"/> Wine and Malt with Cordials Permit | |

SECTION 4: License Class

- | | |
|---------------------------------|-----------------------------------|
| <input type="checkbox"/> Annual | <input type="checkbox"/> Seasonal |
|---------------------------------|-----------------------------------|

SECTION 5: Person (attorney if applicable) who can be contacted concerning this application

Name: _____

Address: _____

Phone Number: _____

SECTION 6: Give a full description of the premises to be licensed, including location of all entrance and exits: _____

SECTION 6(a):

Seating Capacity: _____ Occupancy Number: _____

SECTION 7:

Applicant is an:

- () Association () Corporation () Individual
 () Partnership () Non-profit Corporation () LLC

SECTION 8 If applicant is an individual or partnership – List for individual or each partner:

<u>FULL NAME</u>	<u>HOME ADDRESS</u>	<u>DOB</u>	<u>SSN</u>

SECTION 8(a): Is individual or all partners United States Citizens? ()Yes ()No

If no, specify citizenship: _____

SECTION 8(b): Is individual or all partners involved at least twenty-one years old? ()Yes ()No

SECTION 9: If the applicant is a corporation, complete the following:

State of Incorporation: _____ Date of Incorporation: _____

Fiscal Year Ends: _____ Date qualified to do business in MA: _____

SECTION 9(a): How many shares of stock are authorized: _____ How many are issued: _____

Provide in the box the names if all officers, directors, stockholders and manager.
 Use * to indicate director.

Title	Full Name	Home Address	DOB	SSN	Shares of Stock Owned or Controlled

SECTION 9(b): Attach a copy of the vote by the Board of Directors appointing a manager or principal representatives.

SECTION 9(c): If the applicant is a corporation, answer the following questions:

For Package Store (§15) license:

- A. Are all Directors United States Citizens? ()Yes ()No
- B. Are a majority of Directors Massachusetts Residents? ()Yes ()No
- C. Is the Manager or Principal Representative a U.S. Citizen? ()Yes ()No

For Club, General On Premise, Hotel, Restaurant, Tavern, Veterans Club and Other (§12) license:

- A. Are at least 50% of the Directors United States Citizens? ()Yes ()No
- B. Is the Manager or Principal Representative a U.S. Citizen? ()Yes ()No

SECTION 10: If the applicant is an association, provide in the box below the names of all association officers and members.

Title	Full Name	Home Address	DOB	SSN	Phone Number

SECTION 10(b): Attach a list of all members of the LLC.

SECTION 11: Will there be any construction, remodeling, redecorating, or building on the premises for this license? () Yes () No (If yes complete a,b,c and d)

a.) Give an exact description of the construction, remodeling, redecorating or building on the premises: _____

b.) What are the estimated costs: _____

c.) What is the construction schedule: _____

d.) State all sources of construction financing: _____

SECTION 12:

Do you own the premises?() Yes ()No. If yes, please respond to the question below.

() As an individual () Jointly _____ Name of Realty Trust

_____Name of Corporation

() Other _____

(If you do not own the premises to be licensed, provide the following information about the owner.)

Name: _____ Phone Number: _____

Address: _____

SECTION 12(a): If a lease or rental, provide the following information: _____ per _____
(month,year,etc)

Beginning date of Lease _____ End date of Lease _____
(Provide Copy of Lease)

FINANCIAL

SECTION 13:

What assets were purchased and cost?

Equipment: \$ _____ Furniture: \$ _____ Goodwill: \$ _____

Inventory: \$ _____ License: \$ _____ Premise: \$ _____

SECTION 13(a): Total Purchase Price: \$ _____

SECTION 13(b): Identify below all sources of financing:

Mortgage: \$ _____ Seller: \$ _____

Cash: \$ _____ Other: \$ _____
(specify)

Document all sources e.g. Loan Papers, Checking Accounts, Stock Sales, etc.

SECTION 13(c): All other terms and conditions: _____
(provide purchase and sale documents)

SECTION 13(d): Are you seeking approval for license to be pledged: ()Yes ()No

If yes, to whom: _____

SECTION 13(e): Will the inventory be pledged: ()Yes ()No

If yes, to whom: _____

SECTION 13(f): If a corporation, are you seeking approval for any corporate stock to be pledged:

()Yes ()No

If yes, to whom: _____

OWNERSHIP INTERESTS

SECTION 14: State the following information for all persons or entities who will have any direct or indirect beneficial or financial interest in this license:

Full Name	Home Address	DOB	SSN	Phone Number

SECTION 14(a): Describe all types of beneficial or financial interest each person or entity identified in Question 14 will have in this license:

Person or Entity	Beneficial or Financial Interest

SECTION 14(b): Does any person or entity listed in Question 14 have any direct or indirect beneficial or financial interest in any other license granted under Chapter 138?

() Yes () No

Name	Type of License	License Name and Address	Description of Interest

SECTION 14(c): Has any person or entity named in Question 14 ever held a license or a beneficial interest in a license issued under Chapter 138 which is not presently held?

() Yes () No

(If yes, provide the following for each person or entity.)

Name	Type of License	License Name and Address	Date Ownership Surrendered

SECTION 14(d): Describe how all licenses in Question 14c were terminated (e.g. transfer of ownership, non-renewal, surrender, etc.)

Date	License	Reason why the License was Terminated

SECTION 14(e): Has any person or entity named in Question 14 ever had a license suspended, revoked or cancelled?

() Yes () No

(If yes, provide the following information)

Date	License	Reason why the License was suspended, revoked or cancelled

SECTION 14(f): Has any person or entity named in Question 14 ever been convicted of violating any state, federal or military law?

() Yes () No

- SECTION 15:**
- a. Each individual applicant must sign.
 - b. Applications by a partnership must be signed by a majority of the partners.
 - c. Applications by a corporation must be signed by an officer authorized by a vote of the corporations Board of Directors.
 - d. Applications by an association must be signed by a majority of the members if the governing body. All signatures must have answered question 10.
 - e. False information or failure to disclose are reasons to revoke a license or deny a license application.

Signed and subscribed to under the penalty of perjury, this _____ day of _____, 2004.

By: Signature of Full Name

Title

AFFIDAVIT OF NOTICE OF MAILING TO ABUTTER AND OTHERS

LICENSING BOARD FOR THE

Date _____, 20____

To the Licensing Board
For the _____

I, _____ hereby certify that the following is a true list of the persons shown upon the Assessor's most recent valuation list as the owners of the property abutting the proposed location for an alcoholic beverages license at _____.

And that the following schools, churches or hospitals are located within the radius of five hundred (500) feet from said proposed location:

If there are none, please so state _____

I also certify that the notice of this application/petition concerning an alcoholic beverages license was given to the above by mailing to each of them within three days after publication of same, a copy of the advertisement is attached below. Also attached are the registered receipts/return registered receipts bearing signatures of persons receiving said notice.

Signed and subscribed to under penalties of perjuries this _____ day of _____, 20_____.

Printed: _____
Written: _____

ATTACH ADVERTISEMENT
AND RECEIPTS HERE

Notary Public: _____
My Commission expires _____

FREQUENTLY ASKED QUESTIONS BY LICENSING ADMINISTRATORS

I. Types Of Licenses. The Liquor Control Act (General Laws chapter 138) allows local licensing authorities to grant licenses under three (3) sections of the Liquor Control Act:

1) Section 12 (On-Premise), 2) Section 14 (Special), and 3) Section 15 (Off-Premise).

- Each license has certain requirements as well as legal disqualifications. For example,
- A section 12 license may not be granted to anyone convicted of a violation of federal or state narcotics drug laws.
 - A Section 15 license may not be granted to anyone convicted of a felony.
 - An applicant for a liquor license must be at 21-years-old.
 - Anyone selling, serving or delivering beverages must be at least 18-years-old.

A. Section 12 (On-Premise) Licenses. Section 12 has five (5) license types: 1) hotel, 2) restaurant, 3) club, 4) tavern, and 5) general on premise.

A “hotel,” “restaurant” or “tavern” licensee that sells food to the public must first be issued a Common Victualler license under the provisions of M.G.L. chapter 140. In addition, a hotel licensee that rents rooms to the public must also be issued an Innholder’s license under the provisions of M.G.L. chapter 140.

A “club” license is issued to a nonprofit corporation or association for sales of alcoholic beverages to members and, subject to regulations by local licensing authority, to the guests of the members.

A “tavern” license is issued to an establishment where alcoholic beverages may be sold, and must be served to and drunk by patrons in plain view of other patrons, all entrances to which shall open directly from a public way. A “tavern” licensee may sell alcoholic beverages with or without food. A “tavern” licensee MAY NOT sell alcoholic beverages on Sundays.

A “general on premise” license authorizes the sale of alcoholic beverages without food.

A “restaurant” license authorizes the sale of alcoholic beverages by an establishment licensed as a common victualler that has the equipment and capacity for serving food.

A “hotel” license is issued by an establishment that is licensed as an innholder and has the equipment and has the capacity for serving food.

Cordials and Liqueurs Permit. In a city or town that has accepted the state law that created cordials and liqueurs permits, any common victualler who holds a wine and malt beverages license (that is, only the holder of a “restaurant” type license, a “hotel” type license and, perhaps, a “tavern” type license) may be granted by the LLA and approved by the ABCC to hold a cordials and liqueurs permit.

Farmer-Brewer Pouring Permits/Farmer Winery Pouring Permits. Two types of specialized “pouring permits” exist that can be granted by the LLA and approved by the ABCC. A “farmer-brewer pouring permit” may be granted to the holder of a farmer-brewer license (a license issued directly by the ABCC to qualifying farmers that authorizes the manufacture of malt beverages). A “farmer-winery pouring permit” may be granted to the holder of a farmer-winery license (a license issued directly by the ABCC to qualifying farmers that authorizes the

manufacture of wines). Each of these “pouring permits” is issued without any impact on the population-based quota of section 12 licenses. Each of these “pouring permits” restricts what alcoholic beverages may be “poured” by the holder of the permit. The holder of a “farmer-brewer pouring permit” may only pour malt beverages produced by the farmer brewery or produced for the farmer brewery and sold under the farmer brewery brand name. The holder of a “farmer-winery pouring permit” may only pour wines produced by the farmer winery or produced for the farmer winery and sold under the farmer winery brand name.

B. Section 14 (Special) Licenses. Special Licenses (commonly referred to as “One Day Licenses”) are issued by local licensing authorities and shall not be issued to any person(s), association, partnership or corporation already issued or in the process of being issued a license to sell alcoholic beverages as approved by the Commission. Special licenses cannot cover any portion of a currently licensed premise.

C. Section 15 (Off-Premise) Licenses. Section 15 licenses are commonly called a “package store licenses.” It is important to note that Massachusetts law states “[n]o person, firm, corporation, association, or other combination of persons, directly, or indirectly, or through any agent, employee stockholder, officer or other person or any subsidiary whatsoever, shall be granted in the aggregate no more than three such licenses in the commonwealth, or be granted more than one such license in a town or tow in a city.”

II. Hours Of Operation.

Hotels, Restaurants, Clubs, Taverns And General On Premises. Hours of sale for these licenses consist of 2 parts: (1) Discretionary hours of sale set by the local licensing authority, and (2) Hours of sale as a matter of right. The local licensing authority shall set the discretionary hours of operation for any on-premise (Section 12) establishment. Once the discretionary operating hours are granted to any licensee, a change in these hours can be made only after a public hearing has been held.

Mondays through Saturdays (“Secular Days”). Sales shall not be barred between the hours of 11 a.m. – 11 p.m. for any section 12 (on-premise) licensee. No sale may be made between the hours of 2 a.m. – 8 a.m. No “tavern” type licensee may serve between the hours of 1 a.m. – 8a.m.

Sundays. Taverns may not serve on Sundays. For all other on-premise license holders, sales shall not be made between the hours of 1 a.m. – 12 noon unless the local licensing authority grants a 2 a.m. closing time (M.G.L. c. 138 § 33A) or a 11 a.m. opening time (M.G.L. c. 138 § 33B).

Package Stores. Any Section 15 (Off-Premise) licensee may make sales on Monday through Saturday between 8 a.m. – 11 p.m. or between 8 a.m. – 11:30 p.m. on the day immediately before a legal holiday.

As of April 5, 2004, any Section 15 (Off-Premise) licensee may make sales on Sundays. No additional permit or approval is required any longer from the LLA, other than the annual or seasonal Section 15 (Off-Premise) license. A municipality may prohibit the sale of alcoholic beverages by Section 15 (Off-Premise) licensees by vote of the city council or board of selectmen.

III. Holiday Operating Hours.

Section 12 Licenses – Hotel, Restaurants, Clubs Taverns And General On Premise:

- A. Suffolk County (Boston, Chelsea, Winthrop and Revere): No Section 12 license may make sales on Christmas Day (or the day following when Christmas Day is on a Sunday), or Memorial Day, between 2 a.m. – 12 noon, except in those cities and towns which have adopted an 11 a.m. opening time.
- B. All other counties: No Section 12 license may make sales on Christmas Day (or the day following when Christmas Day is on a Sunday), or Memorial Day, between 1 a.m. – 12 noon, except in those cities and towns which have adopted an 11 a.m. opening time.

Package Stores: On Memorial Day (the last Monday in May), Thanksgiving, Christmas Day and the day following when Christmas Day occurs on a Sunday, package stores MAY NOT sell or deliver alcoholic beverages. The sale of alcoholic beverages on all other legal holidays is allowed under the annual or seasonal license, without any additional permit or approval.

IV. PLEDGE OF LICENSE.

The last paragraph of Section 23 of Chapter 138 authorizes Section 12 and Section 15 licensees to pledge their licenses for a loan subject to approval of local authorities and the ABCC.

If a seller or a third party wishes to obtain a security interest in the alcoholic beverages license, the following requirements must be met:

- a. The pledge must be approved at the local licensing authority;
- b. The pledge must be approved at the Alcoholic Beverages Control Commission.

NOTE: Evidence that these requirements have been met may be requested by the Department of Revenue in the event of a foreclosure on the license and attempt by the creditor to transfer the license. Upon a foreclosure, the Department of Revenue may also request evidence that the creditor complied with the Uniform Commercial Code (UCC) filing requirements set forth in Massachusetts General Laws.

V. CHURCH, SCHOOL, HOSPITAL NOTIFICATION.

An applicant for a new Section 12 (on-premise), Section 15 (off-premise) and Section 30A (pharmacist) license or for the change of location or for an alteration of premises (except an extension of licensed premises that does not exceed 50 feet) must notify by registered mail any church, school or hospital located within 500 feet of its premises of its intentions.

An affidavit of the applicant mailing such notice and an attested copy of the notice mailed shall be filed with the local licensing authority. A certified copy of that affidavit shall be considered prima facie evidence that such notice has been mailed. If a church, school or hospital files a written complaint that action on the license was taken without them receiving certified written notice and such a complaint is upheld, the licensing authority may cancel the license.

The 500-foot distance shall be measured in a straight line from the nearest point of the church, school or hospital to the nearest point of the licensed premises.

Applicants for a “hotel” type license (Section 12) and parts of buildings located 10 or more floors above street level are exempt from this law.

A church is defined by Ch. 138, section 16C as “a church or synagogue building dedicated to divine worship and in regular use for that purpose, but not a chapel occupying a minor portion of a building primarily devoted to other uses.” That same law defines school as “an elementary or secondary school, public, or private, giving not less than the minimum instruction and training required by chapter seventy-one to children of compulsory school age.”

The governing bodies of these institutions have the right to file written objections with the licensing authorities concerning the license. In all cases, whether the license is protested or not, the licensing authority must determine in writing after the hearing that the premises are not detrimental to the educational and spiritual activities of such school or church if they are approving the application.

THE QUOTA SYSTEM

The Massachusetts Liquor Control Act places a quota or limit on the number of on-premise and off premise licenses a city or town can issue. That quota is based on the population of the community as determined by the most recent federal census.

On-Premise: (Section 12)

Each city or town may grant one on-premise (Section 12) all alcoholic license for each unit of 1,000 persons (or fraction thereof) with a minimum of 14. An additional all-alcoholic license may be granted for each population unit of 10,000 (or fraction thereof) over the first 25,000.

One wine and malt license may be granted for each unit of 5,000 persons (or fraction thereof) with a minimum of 5.

Veteran's Club License:

The local licensing authority may grant a license, outside the quota system, subject to ABCC approval, to any corporation whose members are war veterans which owns, hires or leases a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell to members of that post only, and, subject to local licensing authorities, to guests introduced by such members and to no others.

Off-Premise: (Section 15)

Each city or town may issue one off-premise (Section 15) all-alcoholic license for each unit of 5,000 persons (or fraction thereof) with a minimum of 2.

One wine and malt license may be granted for each unit of 5,000 persons (or fraction thereof) with a minimum of 5.

Seasonal Licenses:

Seasonal Section 12 (on premise) licenses can be issued effective from April 1 to January 15 or any portion thereof and to the number that the local licensing authority deems to be in the public interest.

Seasonal Section 15 (off-premises) licenses may be issued based on a quota set by the estimate provided by the LLA before March 1 of the temporary increased resident population as of the following July 10. That estimate must be submitted to the Commission prior to April 1.

Off-premise seasonal licenses are issued based on that estimate at the rate of one license for each 5,000 population (or fraction thereof) and can be issued effective from April 1 to November 30 and also until January 15, or any portion thereof, as set by the local licensing authority.

Franklin and Berkshire counties may issue winter seasonal licenses and estimate before October 15 the temporary increased resident population as of the following February 10. Such licenses are effective from December 1 to April 1.

City/Town Quota Allowed

<u>Population</u>	<u>All Alcohol</u>		<u>Wine & Malt</u>	
	<u>Section 12</u> (On premise)	<u>Section 15</u> (Off Premise)	<u>Section 12</u> (On Premise)	<u>Section 15</u> (Off Premise)
1-10000	14*	2*	5*	5*
10001-14000	14*	3	5*	5*
[* minimum number of licenses under quota law]				
14001-15000	15	3	5*	5*
15001-16000	16	4	5*	5*
16001-17000	17	4	5*	5*
17001-18000	18	4	5*	5*
18001-19000	19	4	5*	5*
19001-20000	20	4	5*	5*
20001-21000	21	5	5	5
21001-22000	22	5	5	5
22001-23000	23	5	5	5
23001-24000	24	5	5	5
24001-25000	25	5	5	5
25001-26000	27	6	6	6
26001-27000	28	6	6	6
27001-28000	29	6	6	6
28001-29000	30	6	6	6
29001-30000	31	6	6	6
30001-31000	32	7	7	7

<u>POPULATION</u>	<u>ALL ALCOHOL</u>		<u>WINE & MALT</u>	
	<u>SECTION 12</u> (On premise)	<u>SECTION 15</u> (Off Premise)	<u>SECTION 12</u> (On Premise)	<u>SECTION 15</u> (Off Premise)
31001-32000	33	7	7	7
32001-33000	34	7	7	7
3301-34000	35	7	7	7
34001-35000	36	7	7	7
35001-36000	38	8	8	8
36001-37000	39	8	8	8
37001-38000	40	8	8	8
38001-39000	41	8	8	8
39001-40000	42	8	8	8
40001-41000	43	9	9	9
41001-42000	44	9	9	9
42001-43000	45	9	9	9
43001-44000	46	9	9	9
44001-45000	47	9	9	9
45001-46000	49	10	10	10
46001-47000	50	10	10	10
47001-48000	51	10	10	10
48001-49000	52	10	10	10
49001-50000	53	10	10	10
50001-51000	54	11	11	11
51001-52000	55	11	11	11

<u>POPULATION</u>	<u>ALL ALCOHOL</u>		<u>WINE & MALT</u>	
	<u>SECTION 12</u> (On premise)	<u>SECTION 15</u> (Off Premise)	<u>SECTION 12</u> (On Premise)	<u>SECTION 15</u> (Off Premise)
52001-53000	56	11	11	11
53001-54000	57	11	11	11
54001-55000	58	11	11	11
55001-56000	60	12	12	12
56001-57000	61	12	12	12
57001-58000	62	12	12	12
58001-59000	63	12	12	12
59001-60000	64	12	12	12
60001-61000	65	13	13	13
61001-62000	66	13	13	13
62001-63000	67	13	13	13
63001-64000	68	13	13	13
64001-65000	69	13	13	13
65001-66000	71	14	14	14
66001-67000	72	14	14	14
67001-68000	73	14	14	14
68001-69000	74	14	14	14
69001-70000	75	14	14	14
70001-71000	76	15	15	15

Citizenship And Residency Requirements

Citizenship and residency requirements are found in M.G.L. c. 138 § 15, first paragraph and §26, first paragraph, and 204 CMR 2.01 (1). Below is summary of those requirements.

	U.S. Citizen	MA Resident
Section 12 (On-Premise)		
Individual	YES - ALL	NO
Partnership	ALL	NO
Corporation	Majority Cannot Be Aliens	NO
Manager	YES	NO

Section 15 (Off-Premise)		
Individual	YES	YES
Partnership	ALL	ALL
Corporation	All Directors	Majority of Directors
Manager	YES	NO

Minimum Number Of Directors

A requirement for a minimum number of directors for any Massachusetts corporation is established in M.G.L. c. 156B § 47. Below is a summary of this requirement:

<u>Shareholders</u>	<u>Minimum Number of Directors Required</u>
1	1
2	2
3	3
4+	3

**IMPORTANT INFORMATION FOR ALL PARTIES
IN A LIQUOR LICENSE TRANSACTION**

- a. Grant of an application by the Local Licensing Board is only the first step in the license process. The second step is approval by the ABCC. If the ABCC approves, the final step is issuance of the license by the Local Licensing Board.
- b. Until and unless a license is issued the new owner may not take part in the operation of the premises and the old owner, if any, is still liable for the operation of the premises.
- c. Before transferring a liquor license, the Department of Revenue (DOR) will research the tax history of both the buyer and the seller for all types of taxes, including sales, meals, withholding, corporate excise, room occupancy and personal income taxes, if applicable.

Please do not submit any documentation or information to DOR until you have applied to the ABCC and have been contacted by an employee of the Department of Revenue.

The ABCC will not approve the license until DOR signs off. It is up to the parties, not the ABCC, to resolve tax questions.

- d. The ABCC will also have an investigator contact the applicant to ask certain information about the people involved and the financing. It is important that the parties respond promptly to investigators' inquiries. Failure to do so will result in denial of the application.
- e. Operation by the applicant before final approval of the transfer can have serious ramifications for both the buyer and the seller. Operation without a license can be considered evidence of that applicant's unfitness for a license. It can also lead to revocation of the existing license. And, in certain circumstances, it opens both the buyer and the seller to possible civil and criminal liability.

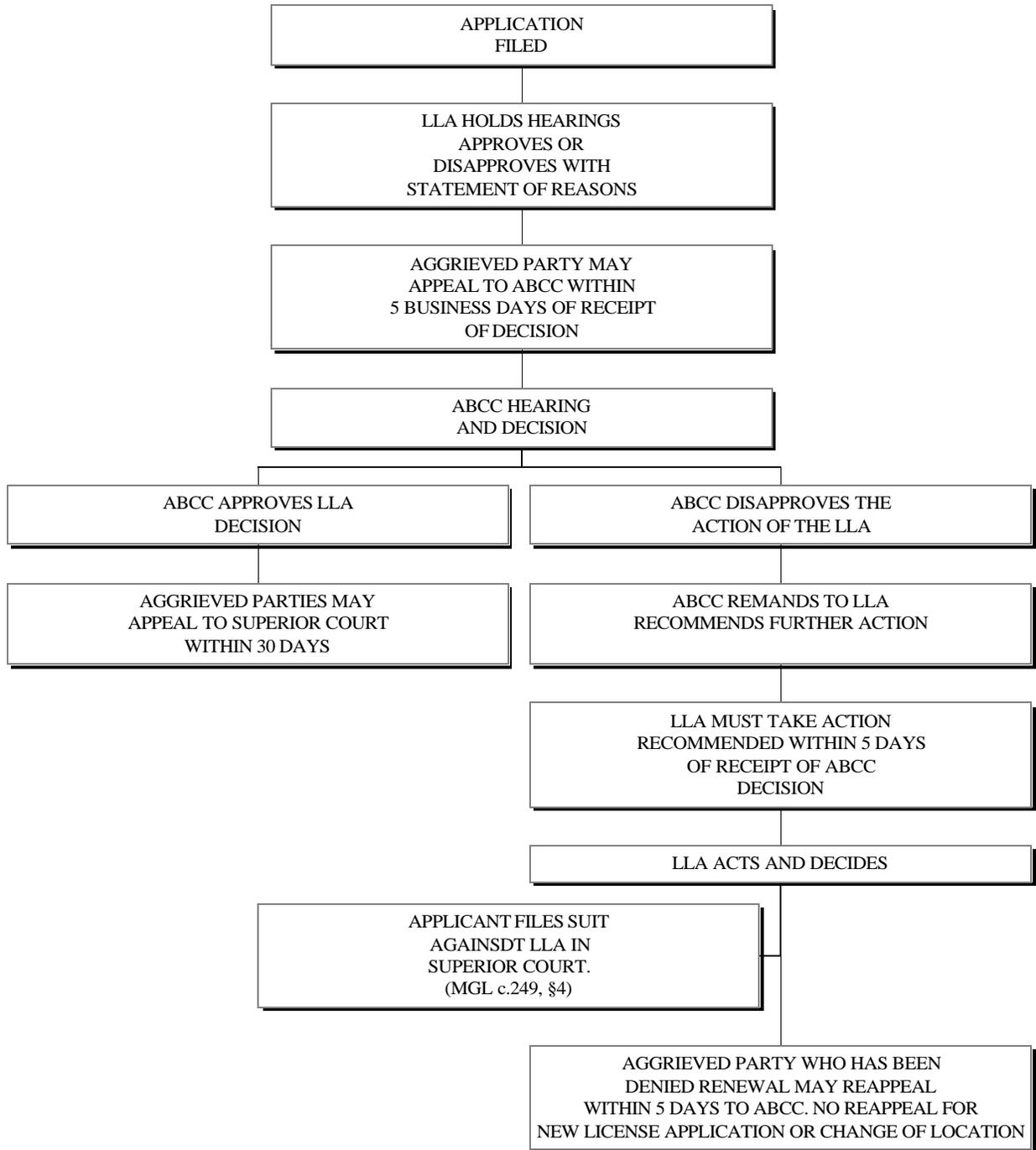
Seller

Date

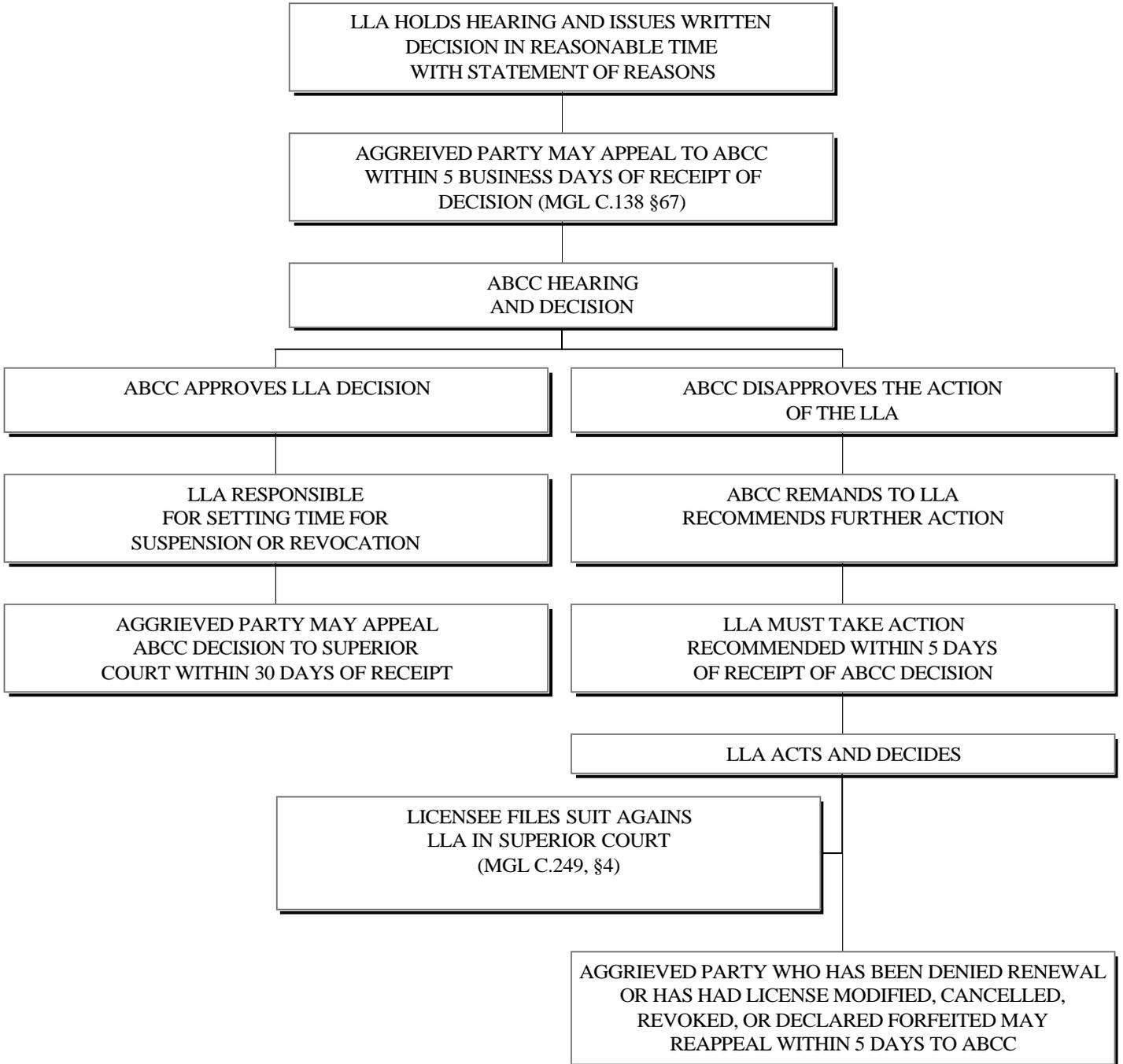
Buyer

Date

DENIAL OF APPLICATIONS

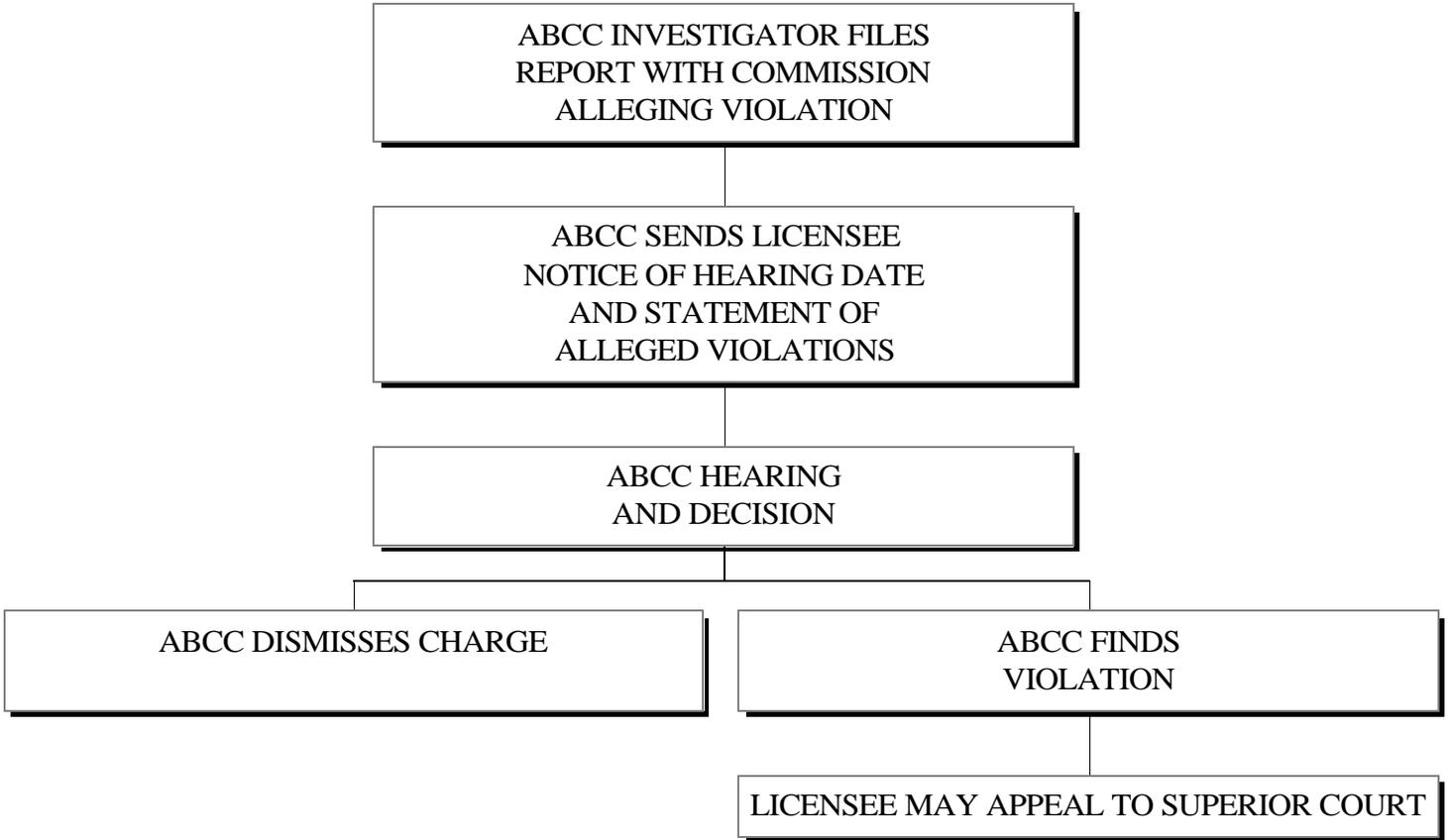


LOCAL LICENSING AUTHORITY (LLA) VIOLATIONS



Appeals to the ABCC or Superior court do not automatically stay a suspension or revocation. The ABCC does not grant such stays, LLA's may in their discretion grant such stays.

VIOLATIONS INITIATED AT ABCC



Appeals to Superior court do not automatically stay suspensions or revocations. The ABCC may agree to such stays on a case-by-case basis.

SUSPENSIONS/FINES

If a license is suspended, a licensee may petition the ABCC to accept a fine in lieu of suspension (MGL c.138, §23)

1. Petition must be made within 20 days of receipt of ABCC's decision.
2. If ABCC accepts the fine, the licensee automatically waives appeal to Superior Court.
3. Decision to accept is within the sole discretion of Commission.