

SOUTH PORTLAND CITY COUNCIL
POSITION PAPER OF THE CITY CLERK

SUBJECT:

ORDER #21-16/17 – Granting KOBE BUDDHA HOUSE, 380 GORHAM ROAD, A FE/RESTAURANT WITH LIQUOR LICENSE. Passage requires majority vote.

POSITION:

The application was submitted and signed off by the Police, Code and Fire Departments, as is required. A legal notice was placed in the South Portland-Cape Elizabeth Sentry. There have been no objections from the public.

REQUESTED ACTION:

Passage of Order #21-16/17.


CITY CLERK



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE
Mayor

DON GERRISH
Interim City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY CARRINGTON
City Clerk

**IN COUNCIL
ORDER #21-16/17**

District One
CLAUDE V.Z. MORGAN

District Two
PATRICIA SMITH

District Three
EBEN ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE BEECHER

At Large
THOMAS E. BLAKE

ORDERED, that Kobe Buddha House, 380 Gorham Road, be granted a Food Establishment/Restaurant with Liquor license. Passage requires majority vote.

Dated: August 1, 2016



City of South Portland
 Office of the City Clerk
 25 Cottage Road
 South Portland, ME 04106
 207-767-7628

**Application for a Food Establishment License
 With Alcoholic Beverages**

28A M.R.S.A. §653
 Code of Ordinances - Chapter 14 §100-106
 Valid _____ to _____

All applicants require a **State Food License**. Failure to do this may result in your City Food License not being issued. It is illegal to operate your business without all applicable licenses.
 Please fill out this application completely even if this is a renewal.

Please check the license you require:					Total Fees:
	Liquor	Vinous	Malt	Malt & Vinous	
Tavern			600.00		
Retail Store		300.00	300.00	300.00	
Restaurant	1,400.00	X 600.00	600.00	600.00	1400.00
Class A Catering	600.00				
Class A Lounge	2,100.00				
Club with Liquor (Non-profit)	600.00				
Hotel	1,700.00				
Background Checks: (Page 3)		How Many /		X 25.00	25
Processing Fee:					20.00
Total Due					1445

Please Check Business Type:
 Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application

<input checked="" type="checkbox"/>	Individual
<input type="checkbox"/>	Corporation
<input type="checkbox"/>	Association
<input type="checkbox"/>	Partnership

Please Check One

<input checked="" type="checkbox"/>	New license
<input type="checkbox"/>	Renewal of license

1445

Are there coin operated amusement devices on the premises? Yes No How many ____
 Are there Billiard/Pool Tables on the premises? Yes No
 Please complete the following information (print);

Business Information	
Business Name:	XXXXXXXXXX KOBE Buddha House
Location of Business:	380 Graham RD South Portland
Telephone:	917-535-7924 Website:
Mailing Address	140 Shops Way Biddeford ME 04005
Name of Manager at Establishment:	Email for correspondence:
XXXXXXXXXX Dan J	AKchen3@yahoo.com

Owner Information						
Owner Name: Andy Chen						
Mailing Address: 140 shops way Biddford ME 04005						
Email Address: AKChen3@yahoo.com	Telephone: 917-535-7924					
Food Establishment Information						
Seating Capacity: 280						
Type of Food Served: Japanese						
Days and Hours of operation:						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
11-10	11-10	11-10	11-10	11-10	11-11	11-11

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.


ZHIU CHEN
5/15/16

 Authorized Signature Print Name and Title Date

FOR CITY USE ONLY

Date of Application: 5/15/16

Corporate Officer List
 City of South Portland
 Office of City Clerk
 25 Cottage Road
 South Portland, ME 04106

KOBE

Name of Company: ~~Starz~~ Buddha House

If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the City of South Portland).

Name full name, including middle initial and maiden name, if applicable	Date of Birth
ZHUI CHEN	
Address	
140 shops way Biddeford ME 04005	manager

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title



 Signature of Authorized Officer

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|-----------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
ZHUI CHEN			Kobe Buddha House		
DOB: _____			DOB: _____		
DOB: _____			DOB: _____		
Address			Location (Street Address)		
140 Shops Way			370 Gorham RD		
City/Town			City/Town		
Biddeford			South portland		
State			State		
ME			ME		
Zip Code			Zip Code		
04105			04106		
Mailing Address			Mailing Address		
Same			Same		
City/Town			City/Town		
Biddeford			South portland		
State			State		
ME			ME		
Zip Code			Zip Code		
04105			04106		
Telephone Number		Fax Number		Business Telephone Number	
1917-535-7924					
Federal I.D. #			Seller Certificate #		
81-2918656			1179566		

EMAIL ADDRESS: Akchen3@yahoo.com

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ New LIQUOR \$ New
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,if YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Dan, J
8. If business is NEW or under new ownership, indicate starting date: Aug 1 /2016
 Requested inspection date: July 13 /2016 Business hours: 11:00-11:00
9. Business records are located at: 380 Gorham Rd South Portland ME
10. Is/are applicants(s) citizens of the United States? YES NO
11. Is/are applicant(s) residents of the State of Maine? YES NO
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
 Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Andy Chen</u>		<u>CHINA</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)
119 Gorham Rd Bixbeekford ME 04005

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO
- Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____

14. Will any law enforcement official benefit financially either directly in your license, if issued?
 Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: MACY'S
Maine Mall South Portland ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES NO Applied for: 6/28/16

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3 miles Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
- If YES, give details: _____

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Main Revised Statutes and herby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existin on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licen es, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, tl applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section l causing a notice, at the applicant’s prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before tl date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the da of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise cense, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of : application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of tl application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applic tions pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed c or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renew: The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renew with 120 days of the filing of the application. [1999, c589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision a provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liqu control; [1987, c.45, Pt.A§4(new).]

C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicini of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by perso patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses resi ing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the censed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]

E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of se tion 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the b reau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requiremen and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section ma appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of tl appeal, if an applicant’s license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: South Portland on 6/23, 2016
Town/City, State Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
ZHIWEI CHEN
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.
- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

FILING FEE.....\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



State of Maine
 Bureau of Alcoholic Beverages
 Division of Liquor Licensing and Enforcement

For Office Use Only:	
License #:	_____
Date Filed:	_____

**Supplemental Information Required for
 Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name: BOHIZU Steak house INC

2. Other business name for your entity (DBA), if any: KOBE Buddha House

3. Date of filing with the Secretary of State: 5/20/16

4. State in which you are formed: ME

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
ZHUI CHEN	119 Graham St Biddeford ME		100%

7. Is any principal person involved with the entity a law enforcement official?

Yes No

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



6/23/16

Signature of Duly Authorized Person

Date

Zhu, U. J.

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov
