

SOUTH PORTLAND CITY COUNCIL

POSITION PAPER OF THE CITY CLERK

SUBJECT:

THATCHERS, 35 FODEN ROAD, FOR A FOOD ESTABLISHMENT RESTAURANT WITH LIQUOR LICENSE. NEW OWNERS OF AN EXISTING BUSINESS.

POSITION:

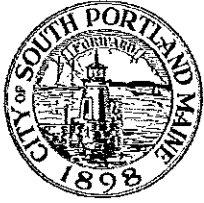
This business was owned by Cynthia Boulay and Bruce Hodgkin. Mr. Hodgkin is now the sole owner. More than a 10% change in ownership requires this to be filed as a new license which needs Council approval.

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:

Approval by Council for a Food Establishment Restaurant with Malt & Vinous License.


CITY CLERK



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

Valid 1/29/2014 to 1/28/2015

28A M.R.S.A. §653

Code of Ordinances - Chapter 14 §100-106

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	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:					
Processing Fee:					20.00
Total Due					1420⁰⁰

Please Check Business Type:

Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application

<input type="checkbox"/>	Individual
<input checked="" 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

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 Name: <u>Thatcher's Restaurant and Sports Pub</u>		Telephone: <u>253 1808</u>
Address of Business: <u>35 Koder Rd</u>		
Name of Manager at Establishment: <u>Bruce Hodgkin II</u>		
Owner Name: <u>Bruce Hodgkin II</u>		
Mailing Address: <u>465 Libby Ave</u>		City: <u>Gorham ME</u>
State: <u>ME</u>	Zip: <u>04038</u>	Telephone: <u>515 3149</u>
Contact person: <u>Bruce Hodgkin</u>		Email Address: <u>bruce.hodgkin@gmail.com</u>

Seating Capacity: 170		Type of food served: Full Service Restaurant				
Days and Hours of operation:						
Sunday 11-AM 8 PM	Monday 11 AM-11 PM	Tuesday	Wednesday	Thursday	Friday 11-12	Saturday 11-12
Days and Hours of bar service:						
Sunday 11 PM 8 PM	Monday 11 AM-11 PM	Tuesday 11-11	Wednesday 11-11	Thursday 11-11	Friday 11-12	Saturday 11-12

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.


Authorized Signature

Bruce Hodgkin B press.
Print Name and Title

12-23-13
Date

Additional Information:

Municipal Use Only

Date of Application:	Date Paid:	Receipt #
Map and Lot:	RE taxes paid:	Pers Prop taxes paid:

	Approved	Disapproved	Signature
Fire Chief			
Health Officer			
Police Chief			

Comments:

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

Name of Company: Thatcher's

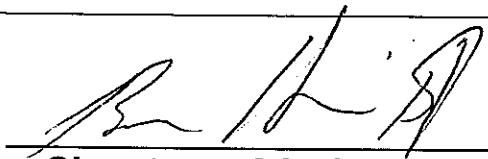
If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the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

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Bruce Hodgkin B	
Address	Title
465 Libby Ave.	Press.

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

**Department of Public Safety
Division**



Liquor Licensing & Inspection

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.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL 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.) <u>Bruce G Hodgkin II</u> DOB: <u>3-21-1976</u>			2. Business Name (D/B/A) <u>Thatchers</u>		
DOB:			Location (Street Address) <u>35 Foden Road</u>		
DOB:			City/Town State Zip Code <u>South Portland ME 04106</u>		
Address <u>465 Libby Ave.</u>			Mailing Address <u>Same</u>		
City/Town <u>Gorham</u>		State <u>ME</u>	City/Town <u>South Portland</u>		State Zip Code <u>ME 04106</u>
Telephone Number		Fax Number	Business Telephone Number <u>(207) 253-1808</u>		Fax Number <u>(207) 253-5649</u>
Federal I.D. #			Seller Certificate # <u>1067039</u>		

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ ~~6571.40~~ FOOD \$ 6571.40 LIQUOR \$ 34,418.17
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Bruce Hodgkin II
8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: 1-29-14 Business hours: M-S 11am - 11pm Sun 11am 8pm
9. Business records are located at: 35 Foden Road South Portland
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
Bruce Hodgkin II	[REDACTED]	Lew ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)
466 Libby Ave. Gorham ME 04038

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: Bruce Hodgkin II Date of Conviction: Sep. 30-09
Offense: OUI Location: Auburn ME
Disposition: Cilty

14. Will any law enforcement official benefit financially either directly or indirectly 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: EG Fodern Co. Box 1770. Scarborough ME.

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Approx 10,000 Sq Ft. Dining room, Bar pool room & separate conference room

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

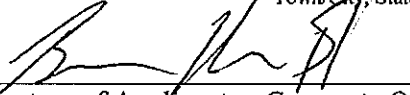
19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3mi Which of the above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

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: _____

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."

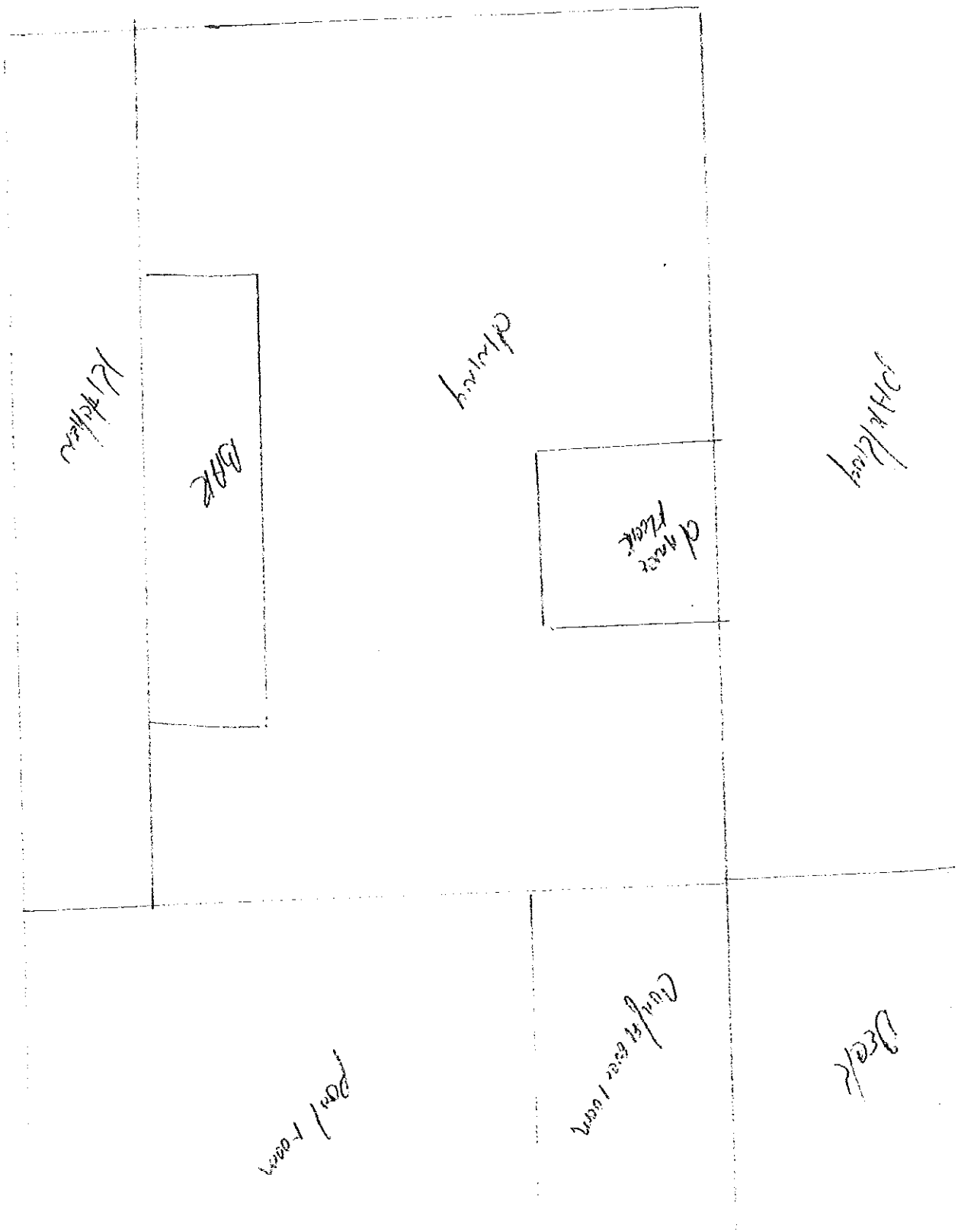
Dated at: South Portland on 12/24, 20 13
Town/City, State Date


Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

1001/1001



1001/1001

1001/1001

1001/1001

STATE OF MAINE

Dated at: South Portland, Maine Cumberland ss
City/Town (County)

On: _____
Date

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby 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 is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, 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, the 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 by 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 the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date 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 license, 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 an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and 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, c.45, 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 liquor 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 vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing 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 licensed 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 section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §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 bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements 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 may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.