

## **SOUTH PORTLAND CITY COUNCIL**

*POSITION PAPER OF THE CITY CLERK*

***SUBJECT:***

***EIGHT BELOW LLC, DBA MOE'S ORIGINAL BBQ, 209 WESTERN AVENUE, FOR A FOOD ESTABLISHMENT RESTAURANT WITH LIQUOR LICENSE AND SPECIAL AMUSEMENT WITHOUT DANCING LICENSE.***

***POSITION:***

Moe's Original BBQ is a new establishment in the City of South Portland. They will have a full service restaurant.

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 Liquor License and Special Amusement without Dancing License.

  
CITY CLERK

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
164 STATE HOUSE STATION  
AUGUSTA, ME 04333-0164**



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 N/A

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-OPTINÓNAL 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>Fight Below, LLC</u> DOB: _____	2. Business Name (D/B/A) <u>Moe's Original BBQ</u>
<u>Dwight Hasbrouck (owner)</u> DOB: <u>7/2/68</u>	<u>209 Western Ave Unit A</u>
DOB: _____	Location (Street Address) <u>South Portland ME 04106</u>
Address <u>209 Western Ave Unit A</u>	City/Town State Zip Code
	Mailing Address <u>SAME</u>
City/Town State Zip Code <u>South Portland ME 04106</u>	City/Town State Zip Code
Telephone Number Fax Number <u>207-745-5163</u>	Business Telephone Number Fax Number <u>SAME</u>
Federal I.D. # <u>46-5627310</u>	Seller Certificate #

- N/A 3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
- N/A 4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
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: Chad Comeau
8. If business is NEW or under new ownership, indicate starting date: 3/1/14  
Requested inspection date: 10/7/14 Business hours: 11-9 5-Th 11-10 Sat-Sun
9. Business records are located at: 209 Western Ave Unit A S. Portland, ME 04106

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
Dwight Hasbrouck	[REDACTED]	Bangor, ME
Chad Comeau	[REDACTED]	Calais, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Chad Comeau - Bangor, ME      Dwight Hasbrouck - Orono, ME  
Nashville TN

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: Chad Comeau Date of Conviction: 2007

Offense: Bad Check - M. 2000007 Location: Maine

Disposition: File

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: \_\_\_\_\_  
RETI, LLC Portland, ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_  
3400 sq ft Restaurant w/ kitchen (see attached Diagram)

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

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? 0.5 mi Which of the above is nearest? School - Kaplan

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: Loan From Capital National Bank

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 September 4, 2014  
Town/City, State Date

[Signature]  
Signature of Applicant or Corporate Officer(s)  
Dwight Hasbrouck  
Print Name

Please sign in blue ink

\_\_\_\_\_  
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**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> 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.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> 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.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> 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.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> 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: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

**STATE OF MAINE**

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ ss  
City/Town (County)

On: \_\_\_\_\_

Date

The undersigned being:                   ف Municipal Officers                   ف County Commissioners                   of the  
ف City   ف Town   ف Plantation   ف 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, Maine Revised Statutes and hereby approve said application.

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**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, 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 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, 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 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, 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 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 license 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 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 the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



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

<b>For Office Use Only:</b>	
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.

- Exact legal name:  
Eight Bebe, LLC
- Other business name for your entity (DBA), if any:  
Moe's Original BBQ
- Date of filing with the Secretary of State: April 2014
- State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
- 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 %
Dwight Hasbrouck	Orono, ME Nashville, TN	<del>XXXXXX</del>	100

- Is any principal person involved with the entity a law enforcement official?  
 Yes  No

- 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:



Signature of Duly Authorized Person

9/4/14

Date



Print Name of Duly Authorized Person

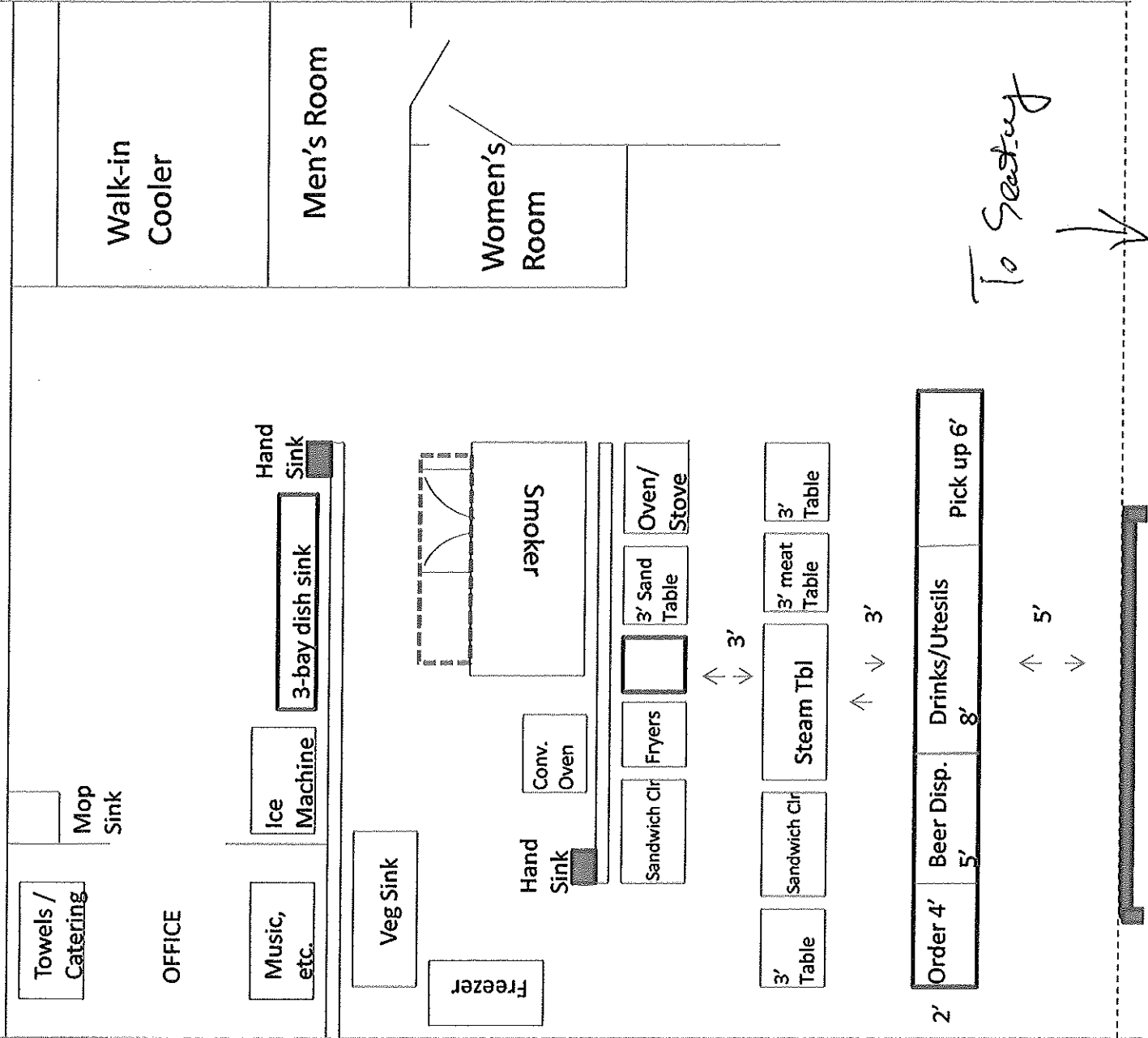
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If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental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

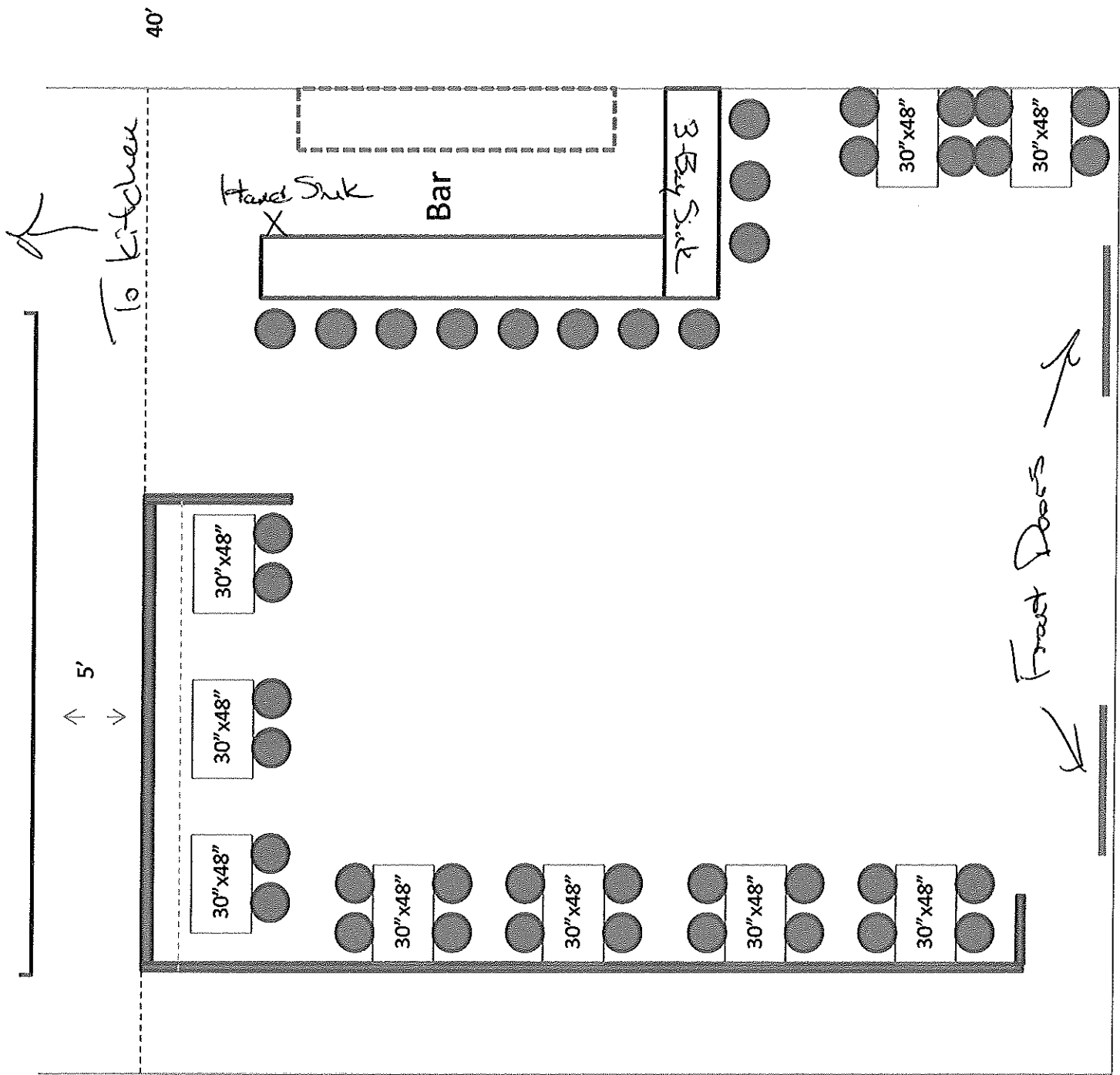
Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
164 State House Station  
Augusta, Me 04333-0101  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3424  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

84'

40'





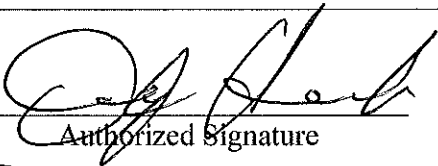


City of South Portland  
Office of the City Clerk  
P.O. Box 9422  
South Portland, ME 04116-9422  
207-767-7628

Application for Special Amusement Permit for Dancing and Entertainment  
§14-45 to 14-55; 28-A M.R.S.A. §1054

From \_\_\_\_\_ to \_\_\_\_\_

1. Business Name of Applicant: Eight Below, LLC DBA Moe's Original BBQ
2. Business Address: 209 A Western Ave South Portland, ME 04106
3. Contact Person: Dewey Hasbrouck
4. Days and Hours of Entertainment: \_\_\_\_\_
5. Describe in detail the type and nature of the business and proposed entertainment: BBQ  
Restaurant w/ occasional bands
6. Describe in detail room or rooms to be used under this permit: one 2000 ft<sup>2</sup> Room  
with seating for 60
7. Have you ever had a license to conduct the business described in item 5 of this application denied or revoked? No If yes, please describe the circumstances: \_\_\_\_\_
8. Have you or any of the corporate officers or partners in this business ever been convicted of a felony? No If yes, please describe specifically the circumstances: \_\_\_\_\_

  
Authorized Signature

Dwight Hasbrouck, Owner  
Print Name and Title

9/4/14  
Date

License Fees

With Dancing: \$250.00   
Without Dancing: \$100.00   
Processing Fee: \$20.00   
Total: \$100.00

For Municipal Use Only

Date of Application: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_



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 \_\_\_\_\_ to \_\_\_\_\_  
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:					25.00
Processing Fee:					20.00
<b>Total Due</b>					<b>1495.00</b>

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

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

**Please Check One**

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

\$ 50.00 publich  
fee  
1495.00


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>Eight Below, LLC DBA Moes Original BBQ</u>		Telephone: <u>207-745-5163</u>	
Address of Business: <u>209 Western Ave Unit A South Portland ME 04106</u>			
Name of Manager at Establishment: _____			
Owner Name: <u>Dwight Hestrouck</u>			
Mailing Address: <u>91 Bennoch Rd</u>		City: <u>Orono</u>	
State: <u>ME</u>	Zip: <u>04473</u>	Telephone: <u>207-745 5163</u>	
Contact person: <u>Same</u>		Email Address: <u>dewey@moesoriginalbbq.com</u>	

Seating Capacity: 60		Type of food served: BBQ				
Days and Hours of operation:						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
11-9	11-9	11-9	11-9	11-9	11-10	11-10
Days and Hours of bar service:						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
11-9	11-9	11-9	11-9	11-9	11-10	11-10

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

Dwight Hasbrouck, Owner  
 Print Name and Title

9/4/14  
 Date

Additional Information:

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