SOUTH PORTLAND CITY COUNCIL
POSITION PAPER OF THE CITY CLERK

SUBJECT:

OSCAR PIZZA, DBA OTTO, 159 COTTAGE ROAD, FOR A FOOD ESTABLISHMENT RESTAURANT WITH MALT & VINOUS LICENSE.

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:

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

[Signature]
CITY CLERK
Application for a Food Establishment License
With Alcoholic Beverages

Valid: [ ]

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

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.

<table>
<thead>
<tr>
<th>Please check the license you require:</th>
<th>Total Fees:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor</td>
<td>Vinous</td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Retail Store</td>
<td>300.00</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1,400.00</td>
</tr>
<tr>
<td>Class A Catering</td>
<td>600.00</td>
</tr>
<tr>
<td>Class A Lounge</td>
<td>2,100.00</td>
</tr>
<tr>
<td>Club with Liquor (Non-profit)</td>
<td>600.00</td>
</tr>
<tr>
<td>Hotel</td>
<td>1,700.00</td>
</tr>
<tr>
<td>Background Checks:</td>
<td></td>
</tr>
<tr>
<td>Processing Fee:</td>
<td></td>
</tr>
</tbody>
</table>

Please Check Business Type:
- Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application.
- [✓] Individual
- [ ] Corporation
- [ ] Association
- [ ] Partnership

Please Check One
- [✓] New license
- [ ] 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):

<table>
<thead>
<tr>
<th>Business Name:</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oscar Pizza LLC dba OTTO</td>
<td>(978) 500-9993</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address of Business:</th>
</tr>
</thead>
<tbody>
<tr>
<td>159 Cottage Rd South Portland, ME 04106</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Manager at Establishment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controls the establishment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony Allen</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>576 Congress Street</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zip:</th>
</tr>
</thead>
<tbody>
<tr>
<td>04101</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact person:</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Hopkinson</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:davidh@ottoportland.com">davidh@ottoportland.com</a></td>
</tr>
</tbody>
</table>
Seating Capacity: N/A  Type of food served: Pizza/salad/Dessert

<table>
<thead>
<tr>
<th></th>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours</td>
<td>11-11</td>
<td>11-4</td>
<td>11-11</td>
<td>11-11</td>
<td>11-11</td>
<td>11-4</td>
<td>11-4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours</td>
<td>12-7</td>
<td>11-11</td>
<td>11-11</td>
<td>11-11</td>
<td>11-11</td>
<td>11-12am</td>
<td>11-12am</td>
</tr>
</tbody>
</table>

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: J.M.  Print Name and Title: David Hopkinson CFO  Date: 5/3/13

Additional Information:

Municipal Use Only

<table>
<thead>
<tr>
<th>Date of Application:</th>
<th>Date Paid:</th>
<th>Receipt #:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Map and Lot:</th>
<th>RE taxes paid:</th>
<th>Pers Prop taxes paid:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Fire Chief</th>
<th>Approved</th>
<th>Disapproved</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Officer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Chief</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:
Name of Company: OTTO (oscar pizza LLC)

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).

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony W. Allen</td>
<td></td>
</tr>
<tr>
<td>Michael Keon</td>
<td></td>
</tr>
<tr>
<td>David B. Hopkinson</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Stanley Ave, Newburyport, MA 01950</td>
<td>Owner</td>
</tr>
<tr>
<td>486 Congress St, Portland, ME 04101</td>
<td>Owner</td>
</tr>
<tr>
<td>a Grafton St, Portland, ME 04103</td>
<td>CFO</td>
</tr>
</tbody>
</table>

Signature of Authorized Officer

Rev 3/2013
PRESENT LICENSE EXPIRES

INDICATE TYPE OF PRIVILEGE:  ✓ MALT  ✓ SPIRITUOUS  ✓ VINOUS

INDICATE TYPE OF LICENSE:
✓ RESTAURANT (Class I,II,III,IV)
✓ HOTEL-OPTIONAL FOOD (Class I-A)
✓ CLASS A LOUNGE (Class X)
✓ CLUB (Class V)
✓ TAVERN (Class IV)

✓ RESTAURANT/LOUNGE (Class XI)
✓ HOTEL (Class I,II,III,IV)
✓ CLUB-ON PREMISE CATERING (Class I)
✓ GOLF CLUB (Class I,II,III,IV)
✓ 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.)
   Oscar Pizza LLC
   Owner: Michael Keen
   DOB: ___________________________
   Address: 576 Congress St.

2. Business Name (D/B/A)
   OTTO

   Location (Street Address)
   159 Cottage Road
   City/Town: South Portland
   State: ME
   Zip Code: 04106

   Mailing Address
   576 Congress Street
   City/Town: Portland
   State: ME
   Zip Code: 04101

   Telephone Number
   (978) 500-9093

   Fax Number
   N/A

   Federal I.D. #
   27-333-0008

3. If premises are 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 ❌

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: Scott Tveske

   Requested inspection date: TBD
   Business hours: TBD

8. If business is NEW or under new ownership, indicate starting date: ASAP

9. Business records are located at: 576 Congress St. Portland ME 04101

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.

<table>
<thead>
<tr>
<th>Name in Full (Print Clearly)</th>
<th>DOB</th>
<th>Place of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Tresselt</td>
<td></td>
<td>NY</td>
</tr>
<tr>
<td>David Hopkinson</td>
<td></td>
<td>Boston, MA</td>
</tr>
<tr>
<td>Anthony Allen</td>
<td></td>
<td>MA</td>
</tr>
</tbody>
</table>

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

- Portland, ME
- Newburyport, MA

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 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 ☐

Currently hold two Maine liquor licenses

16. Does/do applicant(s) own the premises? Yes ☑ No ☐

If No give name and address of owner:

AMG Holdings LLC, 380 Warren Ave, Portland, ME 04103

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:

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? DISTANCE. 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:

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: Portland, ME on 5/31/13, 20__

Please sign in blue ink

Signature of Applicant or Corporate Officer(s) ____________________________

Signature of Applicant or Corporate Officer(s) ____________________________
STATE OF MAINE

Dated at:  
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, 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 the 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 (sp).]

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 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  
Liquor Licensing & Inspection Unit  
164 State House Station  
Augusta, Maine 04333-0164  
Tel: (207) 624-7220  Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: OSCAR PIZZA LLC  
   Business D/B/A Name: OTTO

2. Date of Incorporation: 11/15/10

3. State in which you are incorporated: Maine

4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address Previous 5 Years</th>
<th>Birth Date</th>
<th>% of Stock</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Kelly</td>
<td>Portland ME</td>
<td>01/01/80</td>
<td>50</td>
<td>Owner</td>
</tr>
<tr>
<td>Anthony Allen</td>
<td>Newport MA</td>
<td>01/01/80</td>
<td>50</td>
<td>Owner</td>
</tr>
</tbody>
</table>

6. What is the amount of authorized stock? 100%  
   Outstanding Stock: —

7. Is any principal officer of the corporation a law enforcement official? ( ) YES ( ) NO

8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES ( ) NO.

9. If yes, please complete the following: Name:

   Date of Conviction:  
   Offense:  
   Location:  
   Disposition:  
   Dated at: City/Town  
   On: Date

Signature of Duly Authorized Officer:  
Date: 5/14/13

Print Name of Duly Authorized Officer:  
David Hopkinson
159 Cottage Rd.
South Portland, ME