

Damon's Beverage & Redemption

In accordance with 28-A M.R.S. §§ 452, 453-D, and 18-553 C.M.R. ch. 4 ("Agency Liquor Store Relocation: Rules governing the Process to Provide Input by Agency Liquor Stores in the Same Municipality of a Relocation Request"), the Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement ("the Bureau"), considered an application from JRS Association d/b/a Damon's Beverage & Redemption – Bangor ("the Licensee") requesting approval for the relocation of its facility from 21 Washington Street to 700 Hogan Road in the City of Bangor.

("The Licensee") submitted an application for the Relocation of an Agency Liquor Store accompanied by cash in the amount of \$200, received by the Bureau on August 10, 2021. The application included certified municipal support and proof of notice to the other agency liquor stores in the municipality, Airport Freshies, Cigaret Shopper, Circle K #4707020, 3 Hannafords, Sam's Club, and Shaw's in compliance with applicable law.

Kim Lynch of Liquor Licensing and Enforcement inspected the Licensee's new premises on February 2, 2022. Liquor Licensing Inspector Lynch determined that the new premises met all the eligibility criteria set forth in the governing statutes and rules and gave approval for the relocation. The Bureau published a notice of the proceeding in the Bangor Daily News and on the Bureau's website on September 9, 2021. Notices of the proceeding were hand delivered by Liquor Licensing Inspector Kim Lynch to the applicant and all existing agency liquor stores in the City of Bangor. Existing agency liquor stores were given 15 calendar days from the date of the published notice to respond to the notice of application by providing information on how the relocation would impact their business. The public was invited to file responses electronically by e-mail to the Final Decision Maker, Timothy R. Poulin. Mr. Poulin was appointed Final Decision Maker by Gregory R. Mineo, Director of the Bureau of Alcoholic Beverages and Lottery Operations, in accordance with 18-553 C.M.R. ch. 4, § 3.

No submissions were received by the Bureau in support of or in objection to the application for relocation.

In accordance with 28-A M.R.S. §§ 452, 453-A(5), 453-D, and 18-553 C.M.R. chs. 4 and 130, the Bureau considers the following factors when issuing a relocation agency store license: location, hours of operation, parking, square footage, services offered, selling area, handling, beer and wine inventory, security, spirits inventory and storage. Based on the evidence on the record, the Bureau finds that the applicant's proposed relocation is adequate with regard to the foregoing factors and is feasible for the placement of an agency liquor store at the new location and approves the relocation of JRSS Association d/b/a Damon's Beverage & Redemption – Bangor from 21 Washington Street to 700 Hogan Road in the City of Bangor.

This decision is final agency action within the meaning of 5 M.R.S. § 8002(4) of the Maine Administrative Procedure Act. This decision may be appealed to the District Court in the manner provided by 28-A M.R.S. § 453-A(7), 5 M.R.S. §§ 10051, 11001-11008, and M.R.Civ. P. 80C.

Any applicant aggrieved by the Bureau's decision may appeal the decision pursuant to 28-A M.R.S. § 453-A(7) by filing an appeal with the District Court and serving a copy of the appeal upon the Bureau in accordance with the Maine Rules of Civil Procedure Rule 80C. The appeal must be filed within 30 days of the mailing of this decision.

There is no automatic stay pending appeal. Application for stay may be made in the manner provided in 5 M.R.S. § 11004.

Dated: February 25, 2022

A handwritten signature in black ink, appearing to read "Timothy R. Roulin", written over a horizontal line.

Timothy R. Roulin
Deputy Director
Bureau of Alcoholic Beverages and Lottery Operations