



***The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, MA 02114***

Timothy P. Cahill
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

Re: Silver Bull Steakhouse Corp.
dba Sal & Brasa
Premise: 18 Norwood Street
City/Town: Everett, MA 02149
License #: 038200005
Heard: August 24, 2010

DECISION

Silver Bull Steakhouse Corp. dba Sal & Brasa (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c.138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on August 24, 2010 regarding alleged violations of M.G.L. c.138, §23 and M.G.L. c. 183 §15A detailed in Investigator Brad Doyle's report occurred from September 18, 2009 to the present.

The following documents are in evidence:

1. Agreement between Alfredo Melo Jr. and Marilene I. Silva and Silver Bull Steakhouse Corp;
2. Annual Report from Secretary of Commonwealth Galvin's office;
3. Receipt from Kappy's in the amount of \$299.04;
4. Receipt from Fiorentino's Liquor in the amount of \$155.51;
5. Receipt from Kappy's in the amount of \$492.82;
6. Receipt from Kappy's in the amount of \$69.44;
7. Receipt from Kappy's in the amount of \$236.59;
8. Receipt from Kappy's in the amount of \$885.01;

9. Receipt from Kappy's in the amount of \$169.98;
10. Receipt from Kappy's in the amount of \$501.30;
11. Receipt from Kappy's in the amount of \$562.17;
12. Receipt from Kappy's in the amount of \$427.42;
13. Receipt from Kappy's in the amount of \$381.93;
14. Receipt from Kappy's in the amount of \$316.54;
15. License Renewal Application from the Commission;
16. Silver Bull Bank of America Statement for Account Ending in 8535, September 2009- March 2010;
17. Silver Bull Bank of America Statement for Account Ending in 0194, September 2009 - March 2010;
18. Alfredo Melo Jr. Citizen's Bank Statement for Account Ending in 0300. September 2009 –April 2010;
19. Investigator Jack Carey's Letter Regarding Hearing Notice Delivery Attempt;
20. Investigator Report of Brad Doyle;
21. Notice of Hearing from Alcoholic Beverages Control Commission; and
22. Letter from the City of Everett, Board of License Commissioners (the "Licensing Board"), regarding the closure of Silver Bull Steakhouse.

There is one (1) tape of this hearing.

FACTS

1. On August 24, 2009, the Commission held a hearing regarding alleged violations of M.G.L. c. 138, §§23 (131 counts), and 15A (10 counts).
2. The Licensee did not appear at the hearing.
3. While confirming that the Licensee had in fact received notice of the hearing, an undated letter from Gerri Miranda, an administrator for the Licensing Board was found in the file. The letter indicated that the Silver Bull Steakhouse was closed, and that the Licensing Board had scheduled a hearing for August 23, 2010 to take the alcoholic beverages license back.
4. The Commission continued the hearing in order to receive information from the Licensing Board as to the status of the license.
5. The Licensing Board had not scheduled a hearing, but indicated their intention to do so.
6. Thereafter, on October 7, 2010 the Commission received a Notice of Seizure from the Department of Revenue, Taxpayer Service Division.
7. On November 10, 2010, the Commission received a letter from the Department of Revenue detailing its unsuccessful attempted auction of the alcoholic beverages license. Attached was a release of the levy.

8. The Licensee did not file a license renew application for 2011. As such, the issue regarding the alleged violations is moot.

CONCLUSION

As the matter is moot, the Commission will take no further action on the alleged violations.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Dated in Boston, Massachusetts this 13th day of January 2011.

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: File
Local Licensing Board
Chief Investigator Frederick Mahony