

# Decision Notification

## Application Details

Application no.	217497, 217498, 217663
Licence No.	57307568
Licence Class	Restaurant & Catering
Premises Name	Busan Baby
Premises Address	270-274 Morphett Street ADELAIDE SA 5000
Licensee	British India Pty Ltd, Jae Hyun Park, Bumjin Shim
Applicant	278MS Pty Ltd
Application Type	Application for Transfer of Licence, Application for Extension of Trading Area (S 69), Application for the Approval of Profit Sharing Agreement

## Outcome

Decision	Granted
Effective Date	16 Sep 2022

## Procedural

I allow the applicant to vary their application as follows:  
Change the applicant to Jae Hyun Park and Bumjin Shim

## Requirements

**The requirement to provide the following in support of the application has been waived:**

The requirement to advertise the application by notice placed on the premises

**The following requirements in support of the application have been satisfied:**

Landlord's consent has been obtained

The application has been advertised

All approvals, consents or exemptions have been obtained

## People

### Licensee

The following persons are approved to hold the licence:

- Jae Hyun Park (173734)
- Bumjin Shim (173735)

## Premises

### Licence Plan

The licensee is authorised to sell and supply liquor in an area adjacent to the premises for consumption in that area, as outlined in red on the approved plan.

## Licensee

## Transfer

The licence is transferred to Jae Hyun Park and Bumjin Shim effective from 16 Sep 2022.

The licence is transferred, subject to settlement taking place on or before that date. If settlement does not take place on or before that date the applicant must advise this office in writing of the new settlement date.

## Profit Sharing Agreement

I note that the licensee will have an arrangement with a company, 278MS Pty Ltd in which they are the directors of. The company will be sharing in the profits and proceeds of the business and therefore requires approval to do so under section 99(2) of the Act. I have considered the arrangement between the two parties and approve it, subject to the following conditions:

- Nothing in this approval or in the terms of the arrangement between the parties shall relieve the licensee of its duties or liabilities under the Act.
- Nothing in this approval or in the terms and conditions of the arrangement between the parties shall relieve the unlicensed entity of its duties and liabilities under the law of South Australia.
- It is a requirement under section 99(3) of the Act that the business conducted under the Arrangement be conducted under the personal supervision and management of a natural person approved by the licensing authority.
- The licensee will maintain accounts and records in accordance with the Act and its Regulations for inspection by an authorised officer.

## Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

## Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes  
Hearings Delegate  
16 Sep 2022