

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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

December 14, 2011

**MAKAHA, INC. D/B/A MAKAHA**  
**255 GREAT ROAD**  
**ACTON, MA01720**  
**LICENSE#: 000600008**  
**HEARING HELD: NOVEMBER 15, 2011**

After a hearing on November 15, 2011, the Commission Makaha, Inc. d/b/a Makaha in violation of M.G.L. c.138, §34.

The Commission **suspends the licensee's license for a total of five (5) days to be served.** The suspension shall commence on **Wednesday, January 25, 2012 and terminate on Sunday, January 29, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 25, 2012 at 9:00 A.M. It will be returned to the licensee Monday, January 30, 2012.

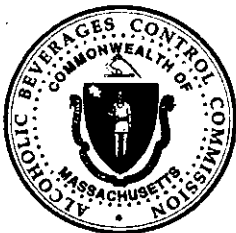
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brad Doyle, Investigator  
Rose Egan-Bailey, Investigator  
✓ Administration  
File





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**DECISION**

**MAKAHA, INC. D/B/A MAKAHA**  
**255 GREAT ROAD**  
**ACTON, MA01720**  
**LICENSE#: 000600008**  
**HEARING HELD: NOVEMBER 15, 2011**

Makaha, Inc. d/b/a Makaha (the "Licensee") holds an all-alcoholic beverages license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 15, 2011, regarding an alleged violation of M.G.L. c. 138, §34: *Sale or Delivery of Alcoholic Beverages to Persons Under Twenty-one (21) Years of Age*. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Compliance Check Field Report.

The following documents are in evidence as Exhibits:

- Exhibit # 1: Compliance Check Field Report of Investigator Brad Doyle;
- Exhibit # 2: Licensee's Stipulation of Facts.

There is one (1) tape of this hearing.

**FACTS**

1. On July 28, 2011, at approximately 2:42 p.m., Commission Investigators Doyle and Bailey conducted an investigation of the licensed premises operating as a restaurant, Makaha, Inc. d/b/a Makaha.
2. An underage operative, working with the Investigators, purchased an alcoholic beverage, a bottle of Budweiser beer, for four dollars (\$4.00).
3. This beer was sold to the underage operative by an individual behind the counter, working for the licensee. This individual did not ask the under-aged operative to produce any identification as proof of age.
4. The underage operative who purchased the alcoholic beverage was 18 years of age, with a date of birth of October 14, 1992.
5. At the conclusion of the presentation of the evidence, Investigator Doyle conducted an administrative review of the file.
6. He testified before the Commission that the licensee has owned the licensed premises since 1995.
7. Investigator Doyle testified that the licensee has four previous violations resulting in several previous suspensions of this license in 1996; 1997; 2006; and 2007.



8. These past suspensions included a suspension of thirty (30 ) days for which the licensee paid a fine-in-lieu-of-suspension, and did not close the premises.

### CONCLUSION

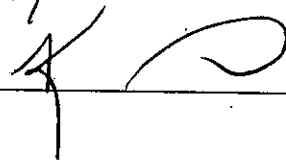
Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for ten (10) days of which five (5) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No fine in lieu of suspension will be accepted the five (5) day suspension.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Kim S. Gainsboro, Chairman



Dated: December 14, 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 (30) days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brad Doyle, Investigator  
Rose Egan-Bailey, Investigator  
Administration  
File

