

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

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

January 12, 2012

MONKEY BUSINESS, INC. DBA MONKEY BAR AND GRILL
63-67 NORTH PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 002400082
HEARD: 01/10/2012

After a hearing on January 10, 2012 the Commission finds Monkey Business, Inc. dba Monkey Bar and Grill in violation of Massachusetts General Laws c. 138, §34c (1 count).

The Commission **suspends the licensee's license for a total of ten (10) days to be served.** The suspension shall commence on **Wednesday, February 29, 2012 and terminate on Friday, March 9, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 29, 2012 at 9:00 A.M. It will be returned to the licensee Saturday, March 10, 2012. **No offer in compromise will be considered for four (4) of the ten (10) days suspension for this penalty.**

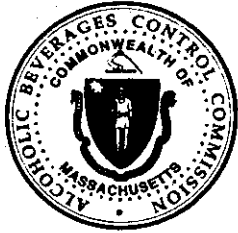
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

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
Jan Kujawski, Investigator
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

Kim J. Gainsboro, Esq.
Chairman

MONKEY BUSINESS, INC. DBA MONKEY BAR AND GRILL
63-67 NORTH PLEASANT STREET
AMHERST, MA 01002
LICENSE#: 002400082
HEARD: 01/10/2012

Monkey Business, Inc. dba Monkey Bar and Grill (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 Tuesday, January 10, 2012, regarding an alleged violation of M.G.L. c. 138 §34c (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jan Kujawski's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Jan Kujawski's Report; and
3. Photocopy of License.

There is one (1) recording of this hearing.

FACTS

1. On Friday, September 30, 2011 at approximately 12:05 a.m., Investigators Bailey, Keefe and Kujawski investigated the business operation of Monkey Business, Inc. dba Monkey Bar and Grill.
2. The investigators entered the premises and observed a youthful looking male individual in possession of an alcoholic beverage identified as a Bud Light bottle beer.
3. Investigators identified themselves and asked to see her identification.
4. He provided a Pennsylvania license with a date of birth of September 17, 1989.
5. The following information was also recorded indicating the youthful individual actual date of birth is September 17, 1992.
6. Investigators spoke with the manager on duty, Mauro Aniello, and informed him that a report would be filed with the Chief Investigator for further action.
7. An administrative review by the Commission revealed that this establishment has five (5) prior incidents as recently as May 24, 2011.
8. Administrative review of the file also indicates this licensee has had ownership of the license for twelve (12) years.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34c (1 count). Therefore, the Commission **suspends the licensee's license for a period of twenty-five (25) days of which ten (10) days will be served and fifteen (15) days will be held in abeyance for a period of three (3) years provided no further violations of Chapter 138 or Commission Regulations occur. No offer in compromise will be considered for four (4) of the ten (10) days suspension for this penalty.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner

Susan Corcoran

Kathleen McNally, Commissioner

Kathleen McNally

Dated: January 12, 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
Jan Kujawski, Investigator
Administration
File