

*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

August 12, 2011

**MONKEY BUSINESS, INC. DBA MONKEY BAR AND GRILL**  
**63-67 NORTH PLEASANT STREET**  
**AMHERST, MA 01002**  
**LICENSE#: 002400082**  
**HEARD: 05/24/2011**

After a hearing on May 24, 2011, the Commission finds Monkey Business, Inc. dba Monkey Bar and Grill in violation of Massachusetts General Laws c. 138, §34C (2 counts).

The Commission suspends the licensee's license for a total of twelve (12) days to be served. The suspension shall commence on **Wednesday, October 5, 2011** and terminate on **Sunday, October 16, 2011**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 5, 2011 at 9:00 A.M. It will be returned to the licensee Monday, October 17, 2011.

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  
Rosemary Bailey, Investigator  
Administration  
File



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**DECISION**

**MONKEY BUSINESS, INC. DBA MONKEY BAR AND GRILL**  
**63-67 NORTH PLEASANT STREET**  
**AMHERST, MA 01002**  
**LICENSE#: 002400082**  
**HEARD: 05/24/2011**

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, May 24, 2011, regarding an alleged violation of M.G.L. c. 138 §34c (2 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rosemary Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Rosemary Bailey's Report;
3. RMV Printout (1) with New York License with University of Massachusetts Amherst Identification; and
4. RMV Printout (2) with Massachusetts Drivers License.

There is one (1) tape of this hearing.

**FACTS**

1. On April 7, 2011, Investigators Kujawski and Bailey along with the Amherst Police Detective Sgt. Knightly, conducted an investigation of the licensed premises of Monkey Business, Inc. dba Monkey Bar and Grill, in an effort to prevent underage drinking and to determine the manner in which the business is conducted.
2. Upon entering Investigator Kujawski observed two (2) youthful looking female patrons at the bar in possession of alcoholic beverages, later identified as gin and tonic and vodka and cranberry juice.
3. The investigators identified themselves and asked for identification.
4. One (1) of the females provided the investigator with valid identification which indicated her to be age twenty-one (21).
5. She then provided another form of identification, a University of Massachusetts Identification card.
6. Shortly thereafter, she admitted that both forms of identification were not hers.
7. She also stated that upon entry to the premises, she gave the New York license that indicated her age to be twenty-one (21).
8. She had ordered and was in possession of the gin and tonic beverage.

9. Her age is actually twenty (20) years of age.
10. The other female patron gave the investigator a valid Massachusetts Driver's License of an individual age twenty-four (24) years old.
11. Investigator Kujawski determined that this was not her identification and the female patron admitted this to be so.
12. She stated that upon entry to the premises she was asked for identification and gave the doormen the Massachusetts Driver's License.
13. She stated that she ordered and was in possession of the vodka and cranberry juice beverage.
14. Her actual age is twenty (20) years old.
15. The licensee testified that he has spoken to the University of Massachusetts college personnel about their students and trying to be more vigilant about their use of "fake" identifications.
16. He also stated that he is trying very hard to try in a college town to "reign in" all the fake identifications.
17. He stated he has been working with the colleges and police to try to curtail all of the college students from using the fake identifications at his establishments.
18. An administrative review by the Commission revealed that this establishment has four (4) prior incidents as recently as December 3, 2010.
19. Administrative review of the file also indicates this licensee has had ownership of the license for twelve (12) years.

#### CONCLUSION

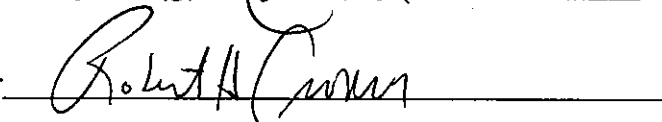
Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §34C (2 counts). Therefore, the Commission **suspends the licensee's license for a period of twelve (12) days.**

#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner



Robert H. Cronin, Commissioner



Dated: August 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  
Rosemary Bailey, Investigator  
Administration  
File