



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

August 18, 2022

**PACIFIC BAY INC. D/B/A TIKI PORT RESTAURANT
712 IYANNOUGH ROAD
BARNSTABLE, MA 02601
LICENSE#: 0070-00084
VIOLATION DATE: 11/24/2021
HEARD: 6/28/2022**

After a hearing on June 28, 2022, the Commission finds Pacific Bay Inc. d/b/a Tiki Port Restaurant violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (4 counts). The Commission **suspends the license for a period of four (4) days to be served.**

The suspension shall commence on Monday, October 3, 2022, and terminate on Thursday, October 6, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, October 3, 2022, at 9:00 A.M. It will be returned to the licensee on Friday, October 7, 2022.

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 which must be signed by the Licensee and a Massachusetts Licensed Accountant.

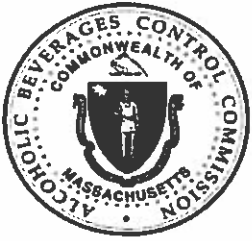
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicholas Velez, Investigator
Robert Gardner, Investigator
Nicole Terasconi, Investigator
Stephen V. Miller, Esq.
Administration, File



***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358***

Jean M. Lorizio, Esq.
Chairman

DECISION

**PACIFIC BAY INC. D/B/A TIKI PORT RESTAURANT
712 IYANNOUGH ROAD
BARNSTABLE, MA 02601
LICENSE#: 0070-00084
VIOLATION DATE: 11/24/2021
HEARD: 6/28/2022**

Pacific Bay Inc. d/b/a Tiki Port Restaurant (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a remote hearing via Microsoft Teams on Tuesday, June 28, 2022, regarding alleged violations of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (5 counts). Prior to the commencement of the hearing, the Enforcement Division withdrew one count of 204 CMR 2.05(2)-Permitting an Illegality on the licensed premises, to wit: M.G.L. c. 138, §34C, and the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Report;
2. ABCC Form 43, New Seasonal License approval 11/16/1976;
3. ABCC Form 43, New Annual License approval 12/21/1978;
4. Photograph of Fraudulent Identifications Confiscated;
5. ABCC Decision, 6/3/2019;
6. ABCC Decision, 6/7/2019;
7. ABCC Decision, 6/10/2019;
8. Licensee's Stipulation of Facts and .

A. Licensee's Alcohol Service Procedures.

There is one (1) audio recording of this hearing.

FINDINGS OF FACT

1. On Wednesday, November 24, 2021, Investigators Gardner, Terasconi, and Velez ("Investigators") inspected Pacific Bay Inc. d/b/a Tiki Port Restaurant to determine the manner in which its business was being conducted.
2. At approximately 8:50 p.m., Investigators entered the licensed premises and observed a group of youthful appearing male individuals, at a table in the restaurant, in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 3/7/2002 (age 19) informed Investigators he was in possession of a Suffering Bastard mixed drink (a combination of bourbon, gin and fruit juices). Underage #1 stated that he used a fraudulent Massachusetts driver's license in his own name and address but with a different birth date to purchase the alcoholic beverage.
4. At approximately 9:00 p.m., Investigators observed another group of youthful appearing male individuals, seated at a table in the rear of the restaurant, in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
5. Underage #2, actual date of birth, 2/2/2003 (age 18), informed Investigators he was in possession of a Mai Tai mixed drink. He stated that he used a fraudulent Massachusetts driver's license in his own name and address but with a different birth date to purchase the alcoholic beverage.
6. Underage #3, actual date of birth, 3/6/2002 (age 19), informed Investigators he was in possession of a Mai Tai mixed drink. He stated that he used a fraudulent Massachusetts driver's license in his own name and address but with a different birth date to purchase the alcoholic beverage.
7. Underage #4, actual date of birth, 12/21/2002 (age 18), informed Investigators he was in possession of a Mai Tai mixed drink. He stated that he used a fraudulent Massachusetts driver's license in his own name and address but with a different birth date to purchase the alcoholic beverage.
8. Investigators informed the manager on duty, Chung Mah, of the violations and that a report would be filed with the Chief Investigator for review.
9. The Licensee has been in business since 1976 and has had three previous violations of M.G.L. c. 138, § 34C.
10. Nancy Wong appeared on behalf of the Licensee along with Chung Fan Mah, the manager on duty on the night of the Investigators' visit and Leon Leung, the employee who served the underage individuals on the night of the Investigators' visit.
11. Mr. Leung testified he was working on the night of November 21, 2021. He testified he requested and checked the identifications of the four underage individuals, and also scanned the identifications. Mr. Leung stated he believed the identifications were

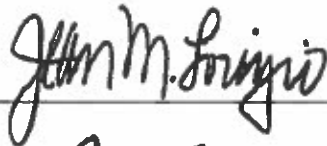
legitimate and the patrons were over 21 years of age. The Commission was informed all employees have been retrained and the Licensee continues to train them.

CONCLUSION

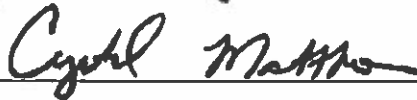
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (4 counts). Therefore, the Commission **suspends the license for a period of four (4) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: August 18, 2022

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicholas Velez, Investigator
Robert Gardner, Investigator
Nicole Terasconi, Investigator
Stephen V. Miller, Esq.
Administration, File