

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

Boston Bistro, Inc. dba The Breezeway
153-159 Blue Hill Ave.
Boston, MA 02110
License #: 011600077
Heard: 06/01/2011

This is an appeal of the action of the Boston Licensing Board ("the Board") in suspending the M.G.L. c. 138, §12 all alcoholic beverages license of Boston Bistro, Inc. dba The Breezeway (the "Licensee") for a period of two (2) weeks. The Licensee timely appealed the Board's decision to the Alcoholic Beverages Control Commission (the "Commission") and a hearing was held on June 1, 2011.

The following documents are in evidence:

1. The Statement of Reasons of the Local Board dated June 10, 2010; and
2. City of Boston Licensing Board Docket of Boston Bistro, Inc.

There is one (1) tape of this hearing.

FACTS

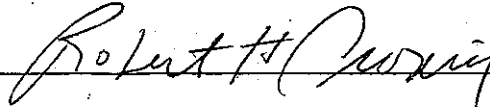
On June 8, 2010, the Board held a hearing regarding an alleged violation of M.G.L. c. 138, §23 and M.G.L. c. 138, §64, assault and battery patron on patron.
On June 10, 2010, the Board voted to suspend the license for two (2) weeks.
The licensee was advised by the board of the suspension in a written decision dated September 9, 2010.
The licensee appealed the decision of the board, to the ABCC, on September 20, 2010, after receiving it on September 16, 2010.
An appeal hearing was scheduled for November 10, 2010.
The appeal hearing was continued on November 3, 2010.
A new appeal hearing was set for December 15, 2010.
The December 15, 2010 appeal hearing was continued to January 26, 2011.
The January 26, 2011 appeal hearing was continued to March 16, 2011.
The March 16, 2011 appeal hearing was continued to June 1, 2011.
On June 1, 2011 the appeal hearing was held.
The licensee failed to appear at the hearing.

CONCLUSION

The appeal is dismissed without prejudice.

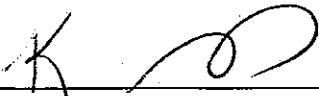
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: August 5, 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
File