

*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

September 14, 2012

**MACUMBA LATINA, INC. DBA MACUMBA LATINA**  
**477 RIVER STREET**  
**BOSTON, MA 02126**  
**LICENSE#: 011600660**  
**HEARD: 08/14/2012**

After a hearing on August 14, 2012 the Commission finds Macumba Latina, Inc. dba Macumba Latina in violation of M.G.L. c.138, §23-- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (68 Counts).

The Commission suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, November 7, 2012 and terminate on Thursday, November 8, 2012. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 7, 2012 at 9:00 A.M. It will be returned to the licensee Friday, November 9, 2012.

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.

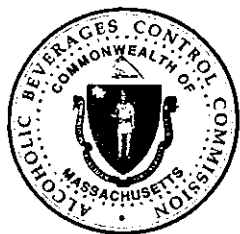
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Paul Capurso, Investigator  
✓ Administration  
File

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**DECISION**

**MACUMBA LATINA, INC. DBA MACUMBA LATINA**  
**477 RIVER STREET**  
**BOSTON, MA 02126**  
**LICENSE#: 011600660**  
**HEARD: 08/14/2012**

Macumba Latina, Inc. dba Macumba Latina (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, August 14, 2012, regarding an alleged violation of M.G.L. c.138, §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (68 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Capurso's Report.

The following documents and physical items are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Capurso's Investigative Report dated April 5, 2012; and
3. Sixty-eight (68) bottles of alcoholic beverages.

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

**FACTS**

1. On Thursday, April 5, 2012, at approximately 9:30 p.m., Investigators Teehan and Capurso conducted an investigation of Macumba Latina, Inc. dba Macumba Latina to determine the manner in which their business was conducted and to address a complaint regarding happy hour regulations filed with this agency.
2. Investigators identified themselves and spoke to a gentleman behind the bar who identified himself as the owner, Mr. Joao Lopes.
3. Investigators asked Mr. Lopes about a sign advertising "discounted drinks" during a charity function.
4. Mr. Lopes stated that the drink prices were always the same for the week.
5. Investigators warned Mr. Lopes about the advertisement of discounted drink prices and advised him to review Commission regulations.
6. While inspecting the bar area, investigators observed alcoholic beverages in boxes labeled for Carribean Liquors Inc. as the purchaser on the label.
7. Wholesalers label boxes of alcoholic beverages with the name of the purchaser so that the driver knows to whom the beverages should be delivered.
8. The seven (7) boxes found contained the following alcoholic beverages which were taken into evidence:

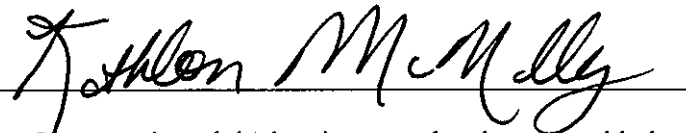
- a. Twelve (12) 1.75 Liter bottles of Hennessy;
  - b. Ten (10) 1 Liter bottles of Remy Martin;
  - c. Nine (9) 750 Milliliter bottles of Sutter Home Chardonnay;
  - d. Two (2) 750 Milliliter bottles of Sutter Home White Zinfandel;
  - e. Five (5) 750 Milliliter bottles of Yellowtail Merlot;
  - f. One (1) 750 Milliliter bottle of Sutter Home Muscato; and
  - g. Five (5) 1 Liter bottles of Sutter Home Chardonnay.
9. Investigators asked Mr. Lopes if he had purchased the alcoholic beverages at Carribean Liquors.
  10. Mr. Lopes stated he also owns Carribean Liquors, and he had brought the alcoholic beverages over from there himself.
  11. Investigators also inspected the storage room downstairs where they found two (2) additional boxes of alcoholic beverages, which were also labeled for Carribean Liquors Inc. These were taken into evidence and contained:
    - a. Twelve (12) 1 Liter bottles of Allen's Triple Sec; and
    - b. Twelve (12) 1 Liter bottles of Allen's Vodka.
  12. Investigators informed Mr. Lopes that a report regarding Carribean Liquors acting as a wholesaler would be submitted to the Chief Investigator.
  13. Investigators also informed Mr. Lopes of the violations and that a report on this licensee would be submitted to the Chief Investigator for further action.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated of M.G.L. c.138, §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (68 Counts). Therefore, the Commission **suspends the license for ten (10) days of which two (2) days will be served and eight (8) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



DATE: September 14, 2012

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  
 Paul Capurso, Investigator  
 Administration  
 File