

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

March 7, 2010

TWO POUNDS INC. DBA THE TAIN
31-35 INDIA STREET
BOSTON, MA 02110
LICENSE#: 011600474
HEARD: 3/6/2012

After a hearing on March 6, 2012, the Commission finds Two Pounds Inc. dba The Tain in violation of M.G.L. c.138, §34 (2 counts).

The Commission **suspends the licensee's license for a total of fourteen (14) days to be served.** The suspension shall commence on **Wednesday, April 25, 2012 and terminate on Tuesday, May 8, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 25, 2012 at 9:00 A.M. It will be returned to the licensee Wednesday, May 9, 2012.

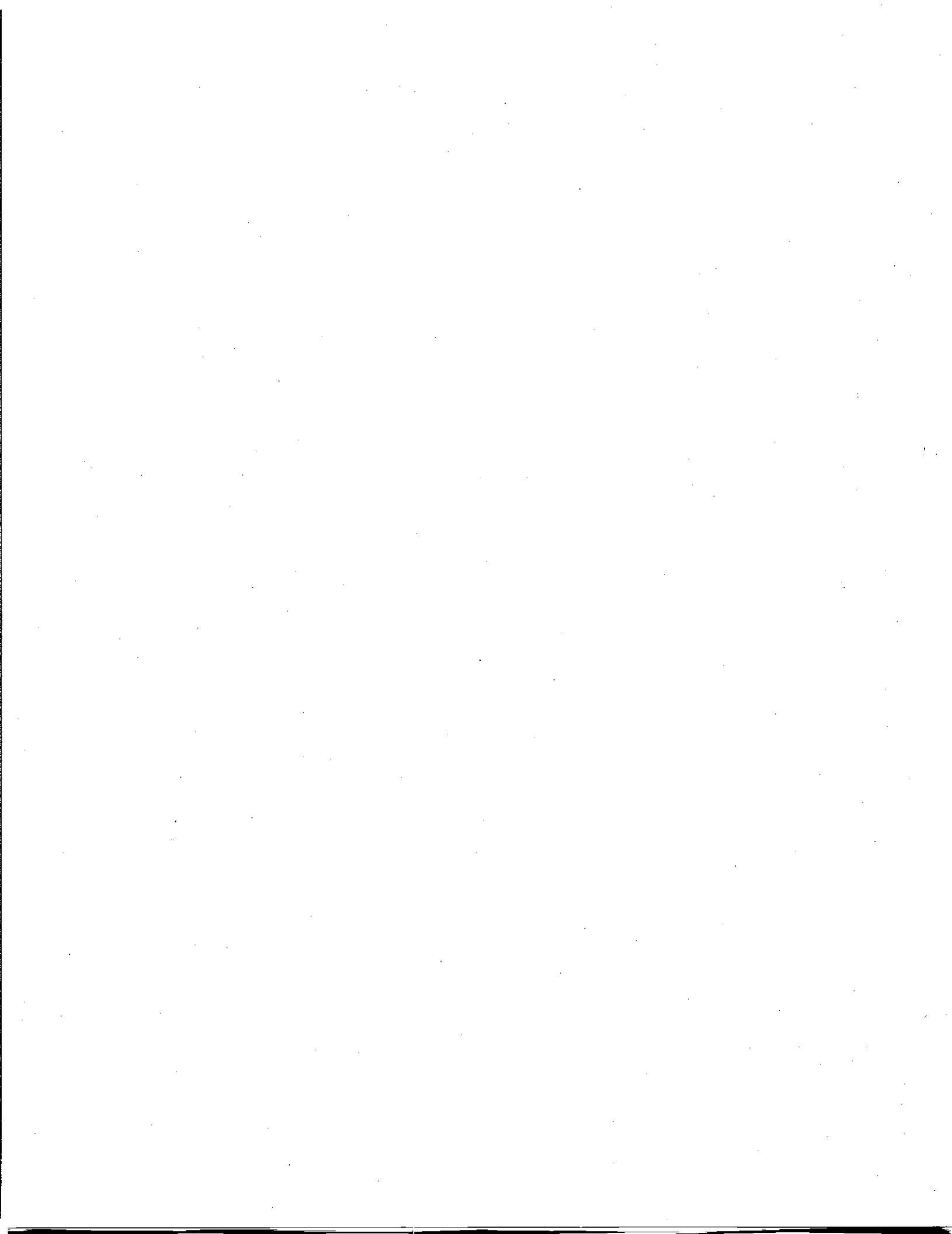
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

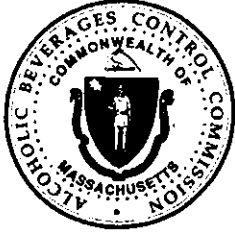
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda, Investigator
Administration
✓File





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DECISION

TWO POUNDS INC. DBA THE TAIN
31-35 INDIA STREET
BOSTON, MA 02110
LICENSE#: 011600474
HEARD: 3/6/2012

Two Pounds Inc. dba The Tain (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, March 6, 2012, regarding an alleged violations of M.G.L. c.138, §34 (2 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's Investigative Report.

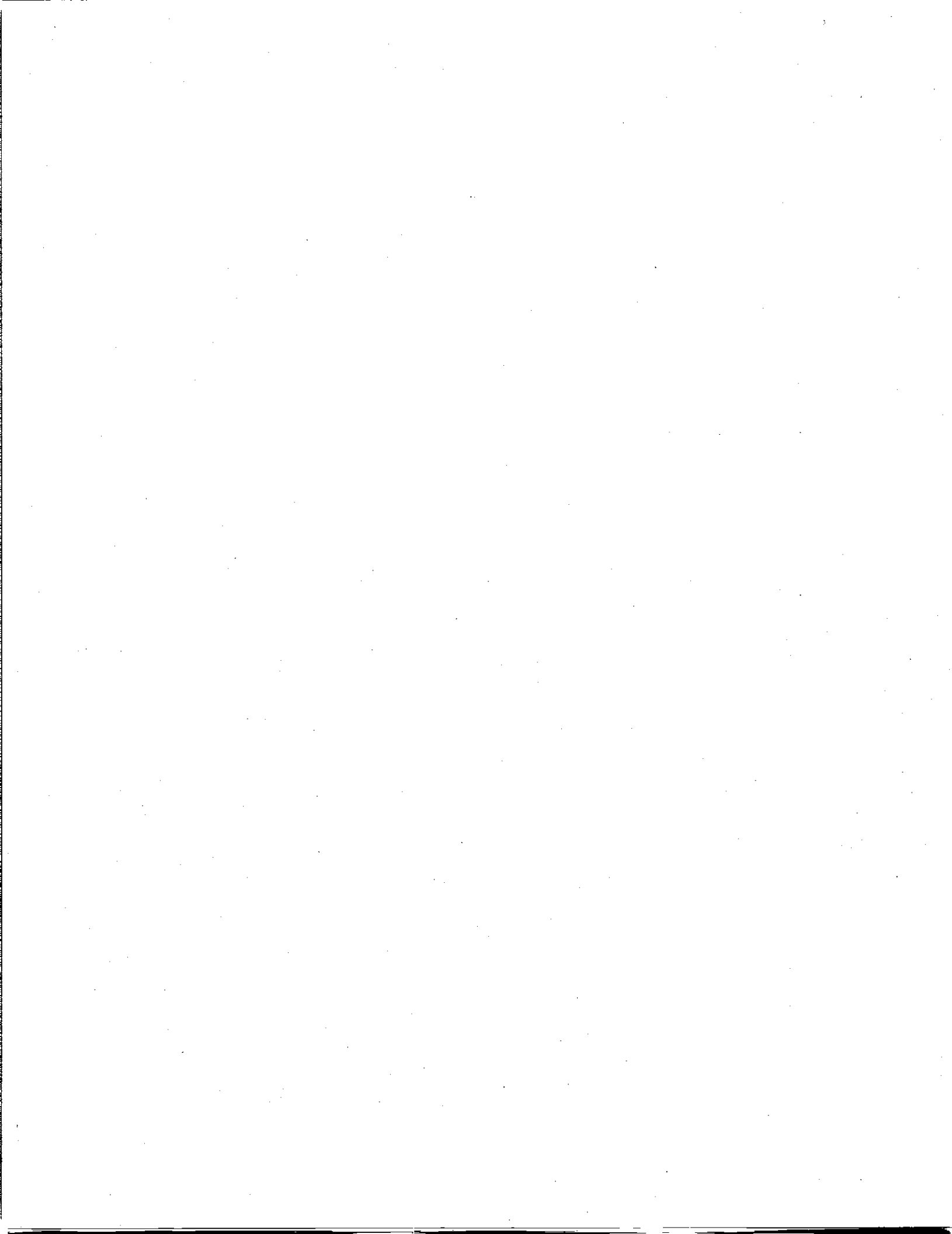
The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Binienda's Report dated September 16, 2011;
3. CJIS Printout of Massachusetts Driver's License for K. McGonagle;
4. CJIS Printout of Massachusetts Driver's License for A. Ferragamo; and
5. Photocopy of New York State Driver's License for L. Sutton.

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

FACTS

1. On Friday, August 19, 2011, at approximately 01:00 a. m., Investigators Michael Teehan, Jan Kujawski, and Jamie Binienda investigated the business operation Two Pounds Inc. dba The Tain to determine the manner in which their business was conducted.
2. Investigators observed two (2) youthful looking patrons in possession of alcoholic beverages.
3. Investigators identified themselves and asked the patrons for identification.
4. One female patron was identified as Miss Angela Ferragamo, of 20 Hillsboro St., Quincy, date of birth July 5, 1992, nineteen (19) years of age.
5. Investigators observed Miss Ferragamo was in possession of a Malibu Rum and pineapple juice.
6. Miss Ferragamo stated that the bartender did not ask her for identification.



7. Miss Ferragamo stated she used a New York Driver's License in the name of Linda Sutton, with a date of birth of January 30, 1987, twenty-four (24) years of age, to gain entrance into the licensed premises.
8. The other female patron was identified as Miss Kaila McGonagle, of 195 Gaston St., Medford, date of birth February 12, 1991, twenty (20) years of age.
9. Investigators observed Miss McGonagle was in possession of a bottle of Bud Light beer.
10. Miss McGonagle stated that no one at the licensed premises asked her for identification.
11. Investigators informed the bartender on duty, Mr. Sean Glynn, of the violation and that a report would be submitted to the Chief Investigator for further action.

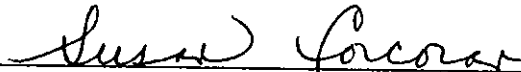
CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission suspends the licensee's license for ten (10) days of which five days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated May 13, 2011, the Commission had previously ordered a nine (9) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that nine (9) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the five (5) day suspension. The licensee will serve a total fourteen (14) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: March 7, 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
Jamie Binienda, Investigator
Administration
File

