

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 16, 2011

TIKI KYE, INC. DBA TIKI KYE RESTAURANT
MONTELLO STREET
CARVER, MA 02330
LICENSE #: 017400013
HEARD: 04/26/2011

After a hearing on April 26, 2011, the Commission finds Tiki Kye, Inc. dba Tiki Kye Restaurant in violation of Massachusetts General Laws c. 138, §69(1 count).

The Commission **suspends the licensee's license for a total of eight (8) days to be served.** The suspension shall commence on **Wednesday, October 12, 2011 and terminate on Wednesday, October 19, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 12, 2011 at 9:00 A.M. It will be returned to the licensee Thursday, October 20, 2011.

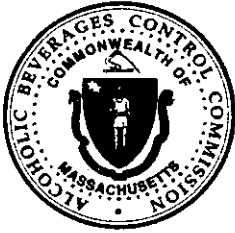
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Jack Carey, Investigator
Administration
File



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

TIKI KYE, INC. DBA TIKI KYE RESTAURANT
MONTELLO STREET
CARVER, MA 02330
LICENSE #: 017400013
HEARD: 04/26/2011

Tiki Kye, Inc. dba Tiki Kye Restaurant (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, April 26, 2011, regarding an alleged violation of M.G.L. c.138, §69 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jack Carey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Jack Carey's Report.

There is one (1) tape of this hearing.

FACTS

1. On December 17, 2010 at approximately 8:55 p.m., Investigator Binienda and Carey entered the licensed premises to observe the manner of which business was being conducted at Tiki Kye, Inc. dba Tiki Kye Restaurant.
2. The investigators observed a male sitting up at the bar with his eyes half closed.
3. He was consuming a bottle of Miller beer.
4. He also had an empty shot glass in front of him.
5. At 9:05 p.m., the investigators observed him take another shot of zambuca.
6. They observed the male patron get up off the bar stool and was extremely unsteady on his feet.
7. He left the bar to have a cigarette out front.
8. While walking around outside he attempted to high-five another patron and was not able to slap the other patrons hand.
9. He then hugged the male patron twice and appeared to be uncoordinated as he did so.
10. When he returned from his cigarette at 9:15 p.m., they observed him having another shot of zambuca.
11. At 9:25 p.m., the band stopped playing music and the investigators were able to hear the male patron speak.
12. He was slurring to other patrons as he spoke.
13. At 9:30 p.m., Investigators again observed the patron taking another shout of zambuca.

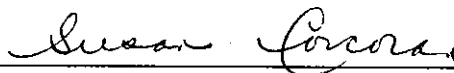
14. All four (4) shots were served to the patron by the same bartender.
15. Investigators noticed that the male patron had consumed three (3) shots from 8:55 pm. To 9:30 p.m.
16. The investigators called the Carver Police department and Sgt. Orr came into the licensed premises.
17. He, along with the investigators, identified themselves to the bartender and the bar manager.
18. The intoxicated male patron stated to investigators that he did not have any physical impairments that would make him unsteady on his feet.
19. He further stated that enjoys coming to the bar and overindulging.
20. The male patron called his friend to pick him up so he would have a safe ride home.
21. The investigators informed the manager that there would be a report filed with the Commission.
22. An administrative view of the file indicated that there is a prior violation in 2004.

CONCLUSION

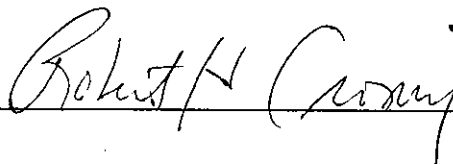
Based on the evidence, the commission finds the licensee violated M.G.L. Ch. 138 §69 (1 count). The Commission **suspends the license for twelve (12) days of which eight (8) days will be served and four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Robert H. Cronin, Commissioner



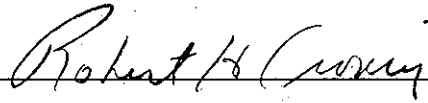
Dated: August 16, 2011

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.

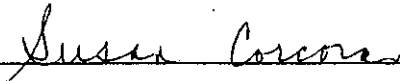
cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
File

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: March 31, 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
Michael Teehan, Investigator
File