

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

YASIR F. KHATTAK DBA HANKS VARIETY
457 GRANBY RD
CHICOPEE, MA 01013
LICENSE#: 022000101
HEARD: 07/10/2013

This is an appeal of the action of the City of Chicopee Licensing Board (“Chicopee” or “Local Board”) in suspending the M.G.L. c. 138, §15 alcohol license of Yasir F. Khattak dba Hanks Variety (the “Licensee” or “Hanks”). The Licensee timely appealed the Local Board’s decision to the Alcoholic Beverages Control Commission (the “Commission”), and a hearing was held on Wednesday, July 10, 2013.

The following documents are in evidence:

Commission Exhibits

1. The Local Board’s Decision August 17, 2012; (2 pages) and
2. Licensee’s Letter Requesting Appeal dated August 23, 2012 (1 page).

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

FACTS

The Commission took administrative notice of the Licensee’s records.

1. On August 16, 2012, the Local Board held a hearing regarding an alleged violation of M.G.L. c. 138, §15A.
2. The Licensee failed to appear at the hearing.
3. By decision dated August 17, 2012, the Local Board suspended the alcohol license until such a time as a transfer is approved by the Chicopee Licensing Board and the Alcoholic Beverages Control Commission.
4. The Licensee, through his attorney Zoë Falkan, appealed the decision of the Local Board on August 23, 2012.
5. The Commission scheduled an appeal hearing for October 31, 2012.
6. On the morning of October 31, 2012, Attorney Falkan called to request a continuance of the scheduled hearing. The Commission granted this request.

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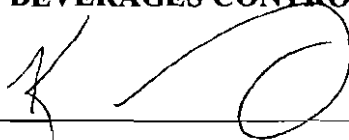
7. The Licensee did not renew its license for 2013.
8. The Commission rescheduled the hearing for March 6, 2013. The hearing notice was mailed to the Licensee's address of record, and to Attorney Falkan's office in Chicopee.
9. Attorney Rooke, representing the City of Chicopee, requested that the March 6, 2013 hearing be continued.
10. Attorney Rooke represented in his motion that he had attempted to gain the assent of Attorney Falkan, but had been unable to contact her, despite repeated attempts.
11. The Commission also attempted to contact Attorney Falkan several times without success.
12. The Commission granted Attorney Rooke's request.
13. The Commission scheduled a hearing for Wednesday, July 10, 2013.
14. The notice of hearing was mailed to the Licensee's address of record as before. The notice was returned to the Commission by the U.S. Postal Service marked, "moved left no address; unable to forward; return to sender."
15. On Wednesday, July 10, 2013, the Commission called the case.
16. The Licensee and his attorney failed to appear at the hearing.

CONCLUSION

The Licensee did not renew its license for 2013, and failed to appear and prosecute the appeal. As a result, the appeal is dismissed.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Kathleen McNally, Commissioner



Dated: July 17, 2013

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: Thomas Rooke, Esq. via fax 413-731-1302
Local Licensing Board
Frederick G. Mahony, Chief Investigator
File