

*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**

January 18, 2012

**DARTMOUTH WASABI, INC. DBA WASABI JAPANESE RESTAURANT**  
**747 STATE ROAD**  
**DARTMOUTH, MA 02747**  
**LICENSE#: 026600033**  
**HEARD: 11/29/2011**

After a hearing on November 29, 2011, the Commission finds Dartmouth Wasabi, Inc. dba Wasabi Japanese Restaurant in violation of M.G.L. c.138, §34.

The Commission **suspends the licensee's license for a total of five (5) days to be served**. The suspension shall commence on **Wednesday, March 7, 2012 and terminate on Sunday, March 11, 2012**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 7, 2012 at 9:00 A.M. It will be returned to the licensee Monday, March 12, 2012.

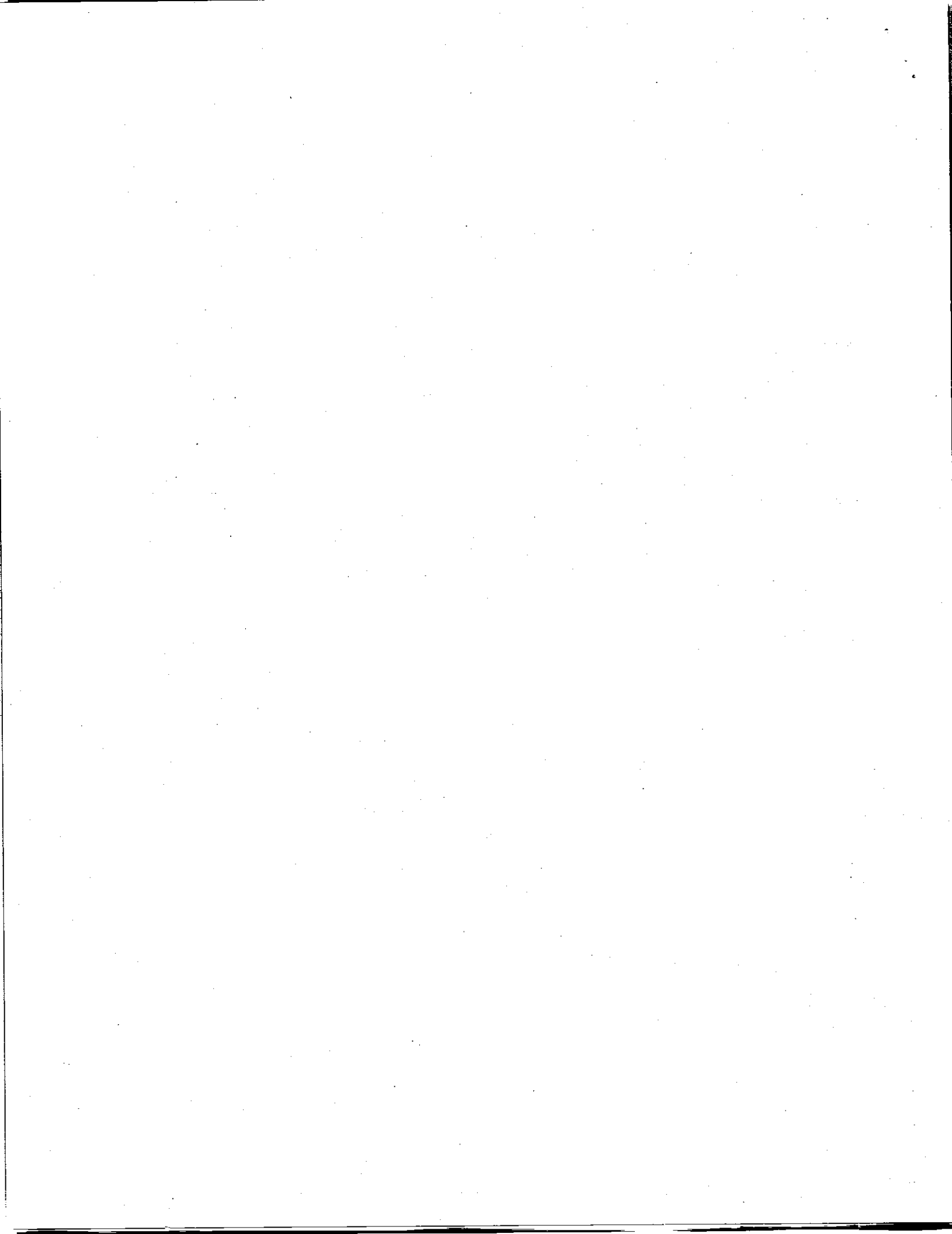
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

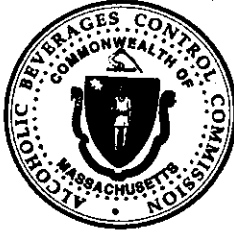
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**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**

**DARTMOUTH WASABI, INC. DBA WASABI JAPANESE RESTAURANT**  
**747 STATE ROAD**  
**DARTMOUTH, MA 02747**  
**LICENSE#: 026600033**  
**HEARD: 11/29/2011**

Dartmouth Wasabi, Inc. dba Wasabi Japanese 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, November 29, 2011, regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's Compliance Check Field Report.

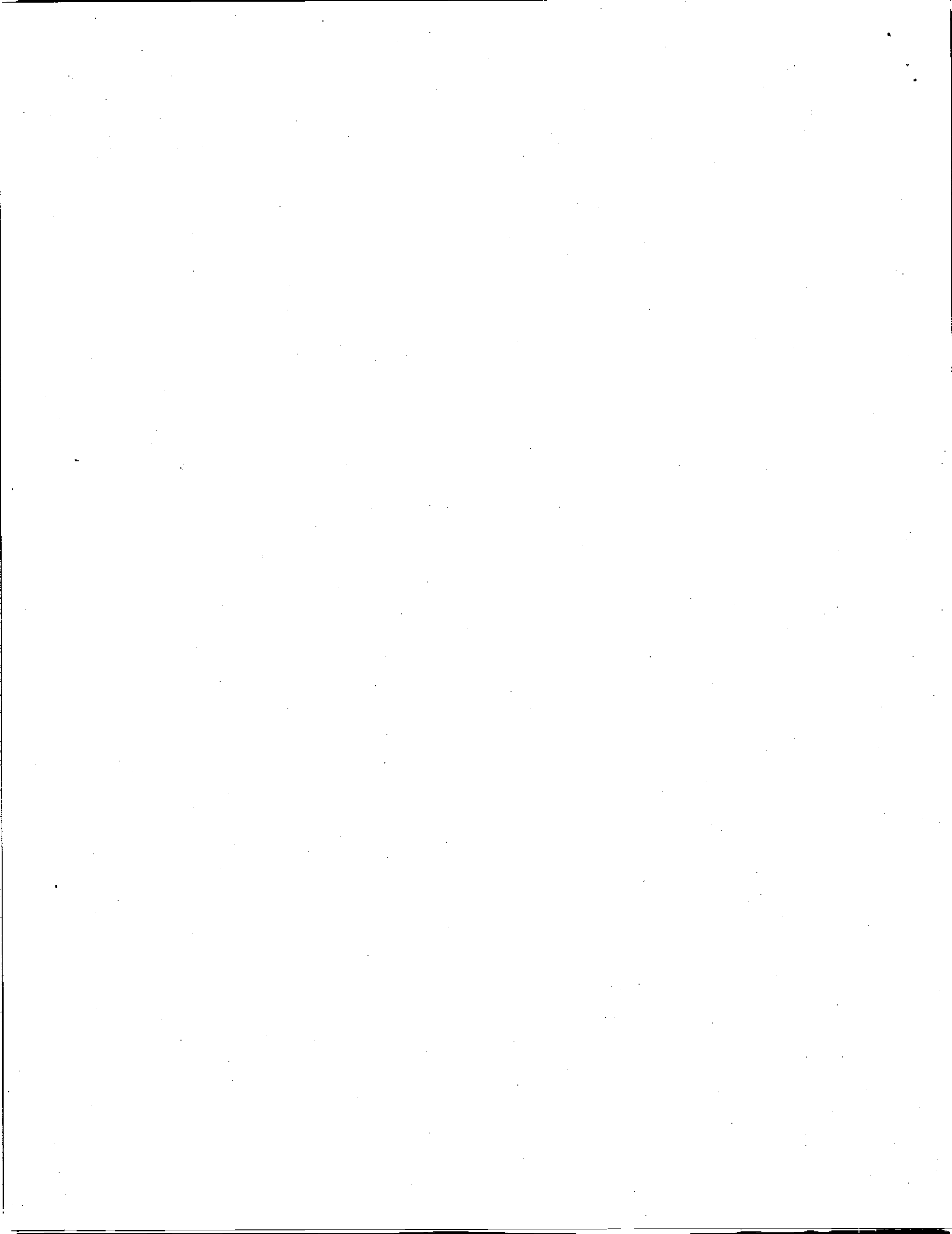
The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Binienda's Compliance Check Field Report dated 07/13/2011.

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

**FACTS**

1. On July 13, 2011 at approximately 5:48 p.m., Commission Investigators investigated the business operation Dartmouth Wasabi, Inc. dba Wasabi Japanese Restaurant.
2. An underage operative, working with the investigators, purchased a Bud Light bottle for four dollars and fifty cents (\$4.50). The underage operative was not asked for identification.



CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. Therefore, the Commission suspends the license for four (4) days of which two (2) days will be served and two (2) days held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated June 11, 2010, the Commission had previously ordered a three (3) 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 three (3) day license suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the 2 day suspension. The licensee will serve a total of 5 days.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner

*Susan Corcoran*

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

Kathleen McNally, Commissioner

*Kathleen McNally*

Dated: January 18, 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

