

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

April 17, 2013

TAHITI RESTAURANT INC.
22 MAH WAY
DEDHAM, MA 02026
LICENSE#: 027400009
VIOLATION DATE: 12/28/2012
HEARD: 04/09/2013

After a hearing on April 9, 2013, the Commission finds Tahiti Restaurant Inc. in violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 §34c-Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts).

The Commission suspends the licensee's license for a total of seven (7) days to be served. The suspension shall commence on Wednesday June 5, 2013 and terminate on Tuesday, June 11, 2013. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 5, 2013, at 9:00 A.M. It will be returned to the licensee Wednesday, June 12, 2013.

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
Michael Teehan, Investigator
Mark Kenny, Investigator
Peter Zahka, Esq. via Facsimile 781-326-0617
Administration
✓ File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

TAHITI RESTAURANT INC.
22 MAH WAY
DEDHAM, MA 02026
LICENSE#: 027400009
VIOLATION DATE: 12/28/2012
HEARD: 04/09/2013

Tahiti Restaurant Inc. (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, April 9, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 §34c-Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence as exhibits:

1. Licensee's Stipulation of Facts; and
2. Investigator Teehan's Investigative Report dated December 28, 2012.
 - A. Letter dated April 7, 2013 from Francis W. O'Brien, Norfolk County Commissioner; and
 - B. Tahiti Restaurant Alcohol Service Policy.

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

FACTS

1. On Friday, December 28, 2012, at approximately 11:30 p.m., Chief Investigator Mahony along with Investigators Kenny, Carey, and Teehan investigated the business operation of Tahiti Restaurant Inc. to determine the manner in which their business was being conducted.
2. Investigators observed two male subjects in possession of alcoholic beverages.
3. The first male was identified as Matthew Stapleton, actual date of birth [REDACTED] (age 19).
4. The second male was identified as John Bastille, actual date of birth [REDACTED] (age 18).
5. Investigators observed Mr. Stapleton and Mr. Bastille in possession of a Scorpion Bowl.
6. Mr. Stapleton and Mr. Bastille stated that they were not asked for identification by the female waitress on duty.
7. Investigators informed the manager on duty, later identified as Tony Yee, of the above violation and that a report would be filed for further action.

CONCLUSION

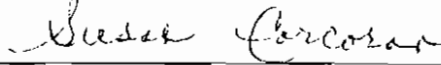
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 §34c-Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts). Therefore, the Commission **suspends the license for twelve (12) days, of which seven (7) 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



DATE: April 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: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Mark Kenny, Investigator
Peter Zahka, Esq. via Facsimile 781-326-0617
Administration
File