



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman
 June 25, 2013

MARIA THOMAS DBA LAS PALMAS RESTAURANT
445 ESSEX ST
LAWRENCE, MA 01840
LICENSE#: 059400226
VIOLATION DATE: 02/07/2013
HEARD: 06/04/2013, 10:30 A. M.

After a hearing on June 4, 2013, the Commission finds Maria Thomas dba Las Palmas Restaurant in violation of:

- 1) M.G.L. CH. 138 §2 - No person shall sell alcoholic beverages, except as authorized by this chapter (83 Counts);
- 2) M.G.L. CH. 138 §2 - No person shall expose for sale alcoholic beverages, except as authorized by this chapter (83 Counts);
- 3) M.G.L. CH. 138 §2 - No person shall keep for sale alcoholic beverages, except as authorized by this chapter (83 Counts);
- 4) M.G.L. CH. 138 §2 - No person shall store alcoholic beverages, except as authorized by this chapter (83 Counts).

The Commission **suspends the licensee's license for a total of fifteen (15) days to be served. The suspension shall commence on Wednesday, August 7, 2013, and terminate on Wednesday, August 21, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 7, 2013 at 9:00 A.M. It will be returned to the licensee Thursday, August 22, 2013.

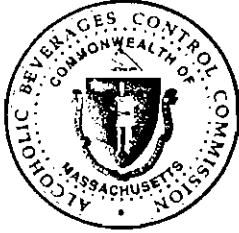
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
 John J. Russell, Esq. via fax 617-742-8636
 File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
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DECISION

MARIA THOMAS DBA LAS PALMAS RESTAURANT
445 ESSEX ST
LAWRENCE, MA 01840
LICENSE#: 059400226
VIOLATION DATE: 02/07/2013
HEARD: 06/04/2013, 10:30 A. M.

Maria Thomas dba Las Palmas Restaurant (the "Licensee") holds an alcohol club license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, June 4, 2013, regarding an alleged violation of:

- 1) M.G.L. CH. 138 §2 - No person shall sell alcoholic beverages, except as authorized by this chapter (83 Counts);
- 2) M.G.L. CH. 138 §2 - No person shall expose for sale alcoholic beverages, except as authorized by this chapter (83 Counts);
- 3) M.G.L. CH. 138 §2 - No person shall keep for sale alcoholic beverages, except as authorized by this chapter (83 Counts);
- 4) M.G.L. CH. 138 §2 - No person shall store alcoholic beverages, except as authorized by this chapter (83 Counts).

Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Bailey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Bailey's Investigative Report dated February 7, 2013;
3. Bottles of Alcoholic Beverages – Pina Colada;
4. Bottles of Alcoholic Beverages – Jose Cuervo Margarita;
5. Bottles of Alcoholic Beverages – Censored on the Beach; and
6. Bottles of Alcoholic Beverages – Long Island Ice Tea.

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

FACTS

The Commission took administrative notice of the records for Maria Thomas dba Las Palmas Restaurant.

1. On Thursday, February 7, 2013, at approximately 4:00 p.m., Investigators Doyle and Bailey investigated the business operation of Maria Thomas dba Las Palmas Restaurant to determine the manner in which their business was being conducted and to investigate a complaint filed with this Commission.
2. Investigators entered the premises and identified themselves to a female employee who indicated that she did not speak English.
3. The female employee contacted the licensee, Maria Thomas, and investigators informed her of the complaint as well as the inspection of the premises.
4. Ms. Thomas arrived at the licensed premises within approximately five minutes of speaking with investigators.
5. Investigators conducted an inspection of the licensed premises and found the following alcoholic beverages in the bar area and the kitchen.
6. Four bottles of Pina Colada, made with rum and non-dairy creamer liqueur with natural flavor added, 200 ml (10% ALC/VOL).
7. Thirty-one bottles of Jose Cuervo Margaritas, made with Jose Cuervo Tequila, Triple Sec, natural flavors and artificial color, 200 ml (19.9% ALC/VOL).
8. Thirty-one bottles of Censored on the Beach, made with peach schnapps liqueur, cranberry juice cocktail, natural flavors and artificial color, 200 ml (7.5% ALC/VOL).
9. Seventeen bottles of Long Island Ice Tea, made with gin, rum, tequila, and vodka, 200 ml (15% ALC/VOL).
10. Ms. Thomas stated that she believed these alcoholic beverages were considered malt beverages based upon information which she had found on-line.
11. Investigators asked which web site but she didn't know.
12. Investigators asked to see current invoices from wholesalers.
13. Upon review of the invoices, investigators asked Ms. Thomas from which wholesaler she had purchased the alcoholic beverages.
14. Ms. Thomas stated that she had purchased the alcoholic beverages from a liquor store.
15. Investigators asked to see the receipts for these purchases.
16. Ms. Thomas stated that she did not have the receipts.
17. Investigators asked from which liquor store she had purchased the alcoholic beverages.
18. Ms. Thomas stated it may have been from the store around the corner, but she was not sure.
19. Investigators informed the Ms. Thomas of the violation and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated:

- 1) M.G.L. CH. 138 §2 - No person shall sell alcoholic beverages, except as authorized by this chapter (83 Counts);
- 2) M.G.L. CH. 138 §2 - No person shall expose for sale alcoholic beverages, except as authorized by this chapter (83 Counts);
- 3) M.G.L. CH. 138 §2 - No person shall keep for sale alcoholic beverages, except as authorized by this chapter (83 Counts);
- 4) M.G.L. CH. 138 §2 - No person shall store alcoholic beverages, except as authorized by this chapter (83 Counts).

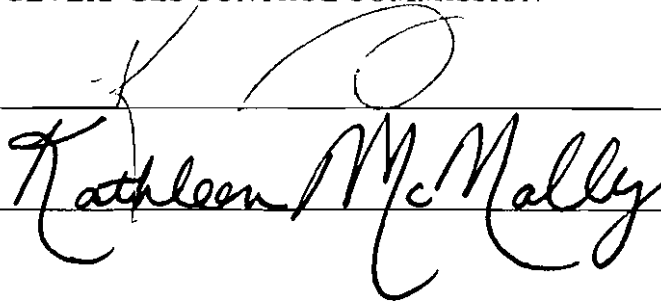
Therefore, the Commission suspends the license for thirty (30) days of which fifteen (15) days will be served and fifteen (15) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The licensee has applied to change its license from a wine and malt license to an all alcoholic beverages license. This application is pending before the Commission. If that license change is approved, this suspension will transfer to the all alcoholic beverages license.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Kathleen McNally, Commissioner _____

A handwritten signature in black ink, reading "Kathleen McNally", is written over a horizontal line. The signature is cursive and includes a large, stylized initial "K" at the beginning.

DATE: June 25, 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
Rose Bailey, Investigator
Brad Doyle, Investigator
John J. Russell, Esq. via fax 617-742-8636
Administration
File