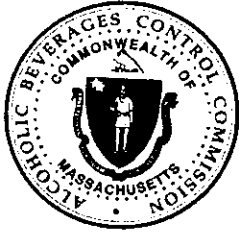


amended



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

April 17, 2012

MELINDA INDUSTRIAL GROUP, INC. DBA ENCUESTRO RESTAURANT NIGHT CLUB
271 BROADWAY
LAWRENCE, MA 01841
LICENSE#: 059400194
HEARD: 4/3/2012

After a hearing on April 3, 2012, the Commission finds Melinda Industrial Group, Inc. dba Encuentro Restaurant Night Club in violation of M.G.L. c. 138, §65. The Commission suspends the licensee's license for a total of thirty (30) days to be served.

The licensee is currently under suspension for two hundred (200) days pursuant to the Commission decision dated December 7, 2011. This suspension is currently scheduled to end on August 4, 2012.

By a second decision dated February 28, 2012, the Commission ordered a one hundred and twenty-seven (127) day suspension to commence on April 18, 2012. This suspension is currently scheduled to end on August 23, 2012.

The suspension of thirty (30) days ordered in this third decision dated April 17, 2012 decision will be served from and after the one hundred and twenty-seven (127) day suspension currently scheduled to end on August 23, 2012.

The suspension shall commence on August 23, 2012 and terminate on September 22, 2012. The license will be delivered to the Local Licensing Board or its designee on August 23, 2012 at 9:00 A.M. It will be returned to the licensee September 23, 2012.

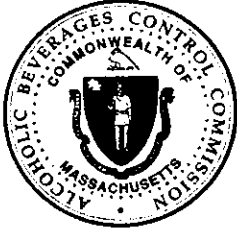
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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

2772-3629



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

**AMENDED
DECISION**

MELINDA INDUSTRIAL GROUP, INC. DBA ENCUESTRO RESTAURANT NIGHT CLUB
271 BROADWAY
LAWRENCE, MA 01841
LICENSE#: 059400194
HEARD: 4/3/2012

Melinda Industrial Group, Inc. dba Encuentro Restaurant Night Club (the "Licensee" or "Melinda") holds an all-alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 3, 2012, regarding an alleged violation of M.G.L. c. 138, §65. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Bailey's Report.

The following documents are in evidence:

1. Investigator Bailey's Report dated January 19, 2012;
2. Investigator Kujawski's Investigative Report dated July 7, 2011;
3. Copy of Licensee's Common Victualer License from the City of Lawrence;
4. Commission Decision dated December 7, 2011 for hearing held October 4, 2011;
5. Commission Notice of Suspension dated December 7, 2011 for hearing held October 4, 2011;
6. Signed Certified Mail Receipt for Hearing Results of October 4, 2011;
7. Lawrence Police Department Incident Report dated January 18, 2012; and
8. Licensee's Stipulation of Facts.

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

FACTS

1. On Tuesday, October 4, 2011, the Commission held a hearing regarding a violation alleged on July 7, 2011 in Investigator Kujawski's Investigative Report. Ex. 2
2. On December 7, 2011, the Commission issued a decision on the hearing of October 4, 2011, with a notice of suspension. Ex. 4, 5
3. The Commission found Melinda violated 204 CMR 2.05 (2) on July 7, 2011.
4. The Commission issued a penalty and suspended the licensee's license for a period of one hundred and eighty (180) days of which sixty (60) days was to be served and one hundred and twenty (120) days was to be held in abeyance for a period of two (2) years provided no further violations of Ch. 138 or Commission Regulations occurred. No fine in lieu of suspension was to be accepted for ten (10) of the sixty (60) day suspension. Ex. 4

5. By decision dated August 24, 2009, the Commission had previously ordered a one hundred and forty (140) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred.
6. Melinda violated the conditions of that one hundred and forty (140) day license suspension being held in abeyance. The Commission thereby ordered that suspension to be served on and after the sixty (60) day suspension. The licensee was to serve a total two hundred (200) days by decision dated December 7, 2011. Ex. 4
7. The Commission suspended Melinda's license for a total of two hundred (200) days to be served. The suspension began on January 11, 2012 and as such, was to terminate on July 28, 2012. Ex. 5
8. The licensee received the Commission decision and notice of suspension via certified mail, and was signed for and dated by Trijido Rosa on December 12, 2011. Ex. 6
9. On January 11, 2012, the Commission received correspondence from the City of Lawrence Licensing Board notifying them that the licensee had filed an appeal, with the Essex Superior Court, of the Commission decision dated December 7, 2011. Ex. 1
10. Lawrence Licensing Board indicated that the licensee had not turned in the license on January 11, 2012. Ex. 1
11. The licensee did not request a stay of the suspension. Ex. 1
12. On Wednesday, January 18, 2012, this matter was referred to the Commission Investigative and Enforcement Division for further action. Ex. 1
13. Commission Investigator Bailey contacted Lieutenant Conway, of the Lawrence Police Department, regarding information that the licensee had failed to comply with a Commission order and terms of suspension. Ex. 1
14. Lt. Conway indicated officers would be dispatched to the licensed premises, and if the licensee was found to be open for business, they would remove the liquor license, and inform the licensee of the violation. Ex. 1
15. On January 18, 2012, at 11:00 p. m., Sergeant Raso, Sergeant Quaglietta, and Officer Cerullo observed that Melinda's was open for business. Ex. 7
16. They entered the location and observed around thirty (30) patrons inside the location. Ex. 7
17. The bar was open and patrons were drinking, playing pool, and music was being played by the disc jockey. Ex. 7
18. Officer Cerullo advised him that the Lawrence Police Department was contacted by the Commission informing them that their right to serve alcoholic beverages had been revoked. Ex. 7
19. Officer Cerullo then told the manager that they would be closing the business down and that he needed to shut the music off, collect any open tabs from patrons, and then remove all patrons from the premises. Ex. 7

20. Officer Cerullo then removed the alcoholic beverage license from the wall and the premises. Ex. 7
21. The license will be turned in to Lt. Conway and the Local Licensing Board. Ex. 7
22. All patrons were removed from the location and the business was closed when they left the location. Ex. 7

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §65. Therefore, the Commission **suspends the licensee's license for thirty (30) days.**

The licensee is currently under suspension for two hundred (200) days pursuant to the Commission decision dated December 7, 2011. This suspension is currently scheduled to end on August 4, 2012.

By a second decision dated February 28, 2012, the Commission ordered a one hundred and twenty-seven (127) day suspension to commence on April 18, 2012. This suspension is currently scheduled to end on August 23, 2012.

The suspension of thirty (30) days ordered in this third decision dated April 17, 2012 decision will be served from and after the one hundred and twenty-seven (127) day suspension currently scheduled to end on August 23, 2012.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Kathleen McNally, Commissioner _____

Dated: April 27, 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
Rose Bailey, Investigator
Jan Kujawski, Investigator
Brad Doyle, Investigator
John D. Hodges, Jr., Esq. via facsimile
Administration
File