

*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**

August 28, 2013

**SPAIN & CUBA CORPORATION DBA RINCON CRIOLLO-MADRID, SPAIN RESTAURANT**  
**15 UNION ST.**  
**LYNN, MA 01902**  
**LICENSE#: 063800079**  
**VIOLATION DATE: 05/09/2013**  
**HEARD: 08/27/2013**

After a hearing on August 27, 2013, the Commission finds Spain & Cuba Corporation dba Rincon Criollo-Madrid, Spain Restaurant in violation of M.G.L. c. 138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (5 counts).

The Commission **suspends the licensee's license for a total of seven (7) days to be served. The suspension shall commence on Wednesday, October 16, 2013 and terminate on Tuesday, October 22, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 16, 2013 at 9:00 A.M. It will be returned to the licensee Wednesday, October 23, 2013.

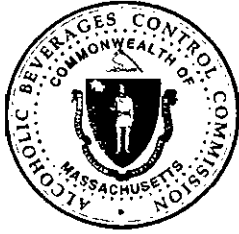
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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  
Jack Carey, Investigator  
Tim Hooton, Investigator  
Dalkis D. Muir, Esq. via fax 855-758-3784  
Administration  
File



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**DECISION**

**SPAIN & CUBA CORPORATION DBA RINCON CRIOLLO-MADRID, SPAIN RESTAURANT**  
**15 UNION ST.**  
**LYNN, MA 01902**  
**LICENSE#: 063800079**  
**VIOLATION DATE: 05/09/2013**  
**HEARD: 08/27/2013**

Spain & Cuba Corporation dba Rincon Criollo-Madrid, Spain Restaurant (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, August 27, 2013, regarding an alleged violation of M.G.L. c. 138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (5 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Hooton's Investigative Report.

The following documents are in evidence:

1. Investigator Hooton's Investigative Report dated May 9, 2013;
2. Licensee's Stipulation of Facts; and
3. Five (5) Bottles of Alcohol.

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

**FACTS**

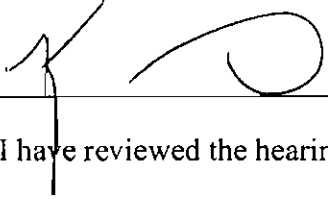
1. On Thursday, May 9, 2013, at approximately 5:10 p.m., Investigators Carey and Hooton investigated the business operation Spain & Cuba Corporation dba Rincon Criollo-Madrid, Spain Restaurant to determine the manner in which their business was being conducted.
2. Investigators inspected the cooler and the kitchen area, and they observed five bottles with package store stickers affixed to the bottles.
3. Investigators took inventory and recorded the bottles as five (5) bottles of Riunite Lambrusco wine.
4. Investigators informed employee Rosglin Antigua of the violation and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (5 counts). Therefore, the Commission **suspends the license for ten (10) days of which seven (7) days will be served and three (3) 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**

Kim S. Gainsboro, Chairman \_\_\_\_\_



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

Kathleen McNally, Commissioner \_\_\_\_\_



DATE: August 28, 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
- Jack Carey, Investigator
- Tim Hooton, Investigator
- Dalkis D. Muir, Esq. via fax 855-758-3784
- Administration
- File