

Re: Rincon Macorisano, Inc.
DBA: Rincon Macorisano
Premise: 350 Washington Street
City/Town: Lynn, MA 01920
License #: 063800186
Heard: December 7, 2010

January 25, 2011

DECISION

Rincon Macorisano dba Rincon Macorisano (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 December 7, 2010 regarding an alleged violation of M.G.L. c.138, §23 (9 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Timothy Hooton's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Timothy Hooton's Report.

There is one (1) tape of this hearing.

FACTS

1. On September 30, 2010, Investigator Hooton and Investigator Guarino-Wilichoski conducted an investigation at the business operation of Rincon Macorisano, Inc.
2. The Investigators inspected the bar area and found nine (9) bottles of wine with retail package store stickers affixed to the bottles.
3. The Investigators took inventory of the bottles.
4. The Investigators then informed the owner, Basilio Encarnacion, of the violation.
5. Administrative review of the file indicates the Licensee has been operating this restaurant for eighteen (18) years. The licensee received a beer and wine license in 2007. This is the first violation by Rincon Macorisano, Inc.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §23. The Commission **suspends the license for nine (9) days of which nine (9) 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

Robert Cronin, Commissioner_____

Susan Corcoran, Commissioner_____

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 days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Timothy Hooton, Investigator
File