

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

DECISION

BLUE WAVE GROUP, INC. DBA HANABI RESTAURANT
804 PLAIN STREET
MARSHFIELD, MA 02050
LICENSE#: 066400059
HEARD: 05/10/2011

Blue Wave Group, Inc. dba Hanabi Restaurant (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 Tuesday, May 10, 2011, regarding an alleged violation of M.G.L. c.138, §23 (3 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Michael Teehan's Report.
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- A. Resignation of Corporate Officers dated 08/10/2010.
 - B. Larger Bar Photo; and
 - C. Smaller Bar Photo.

There is one (1) tape of this hearing.

FACTS

1. On March 11, 2011 Chief Investigator Mahony and Investigators Kujawski and Teehan investigated the business operation of Blue Wave Group, Inc. dba Hanabi Restaurant.
2. Investigators entered the premises and spoke with a manager on duty.
3. As they inspected the bar area, they discovered three (3) bottles of alcohol with package store labels that were partially torn off.
4. The alcohol was taken as evidence and Chief Investigator Mahony informed the manager that a violation report would be filed.
5. The licensee testified that there were two (2) bars at his establishment and that his restaurant sells mainly eighty nine percent (89%) beer as opposed to alcohol.

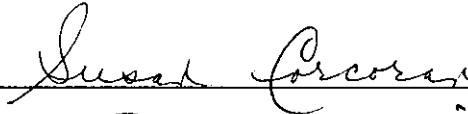
6. He stated the bottles had been there since a shareholder from 2009, who has since resigned, was involved with the establishment.
7. The manager stated that he was not using the alcohol for sale although the bottles were behind the bar.

CONCLUSION

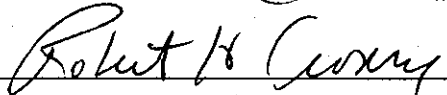
Based on the evidence, the commission finds the licensee violated M.G.L. c.138, §23 (3 counts). The Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Robert H. Cronin, Commissioner



Dated: July 20, 2011

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
Administration
File