

NOTICE OF SUSPENSION

March 2, 2011

**KLLR Foods, Inc.  
dba Celtic Tavern  
45 Belmont Street  
Northborough, MA 01532  
License #:090200007  
Heard: May 18, 2010**

After hearing on May 18, 2010, the Commission finds violations of:

**M.G.L. Chapter 138, §23- Transfer of the privilege of a license without proper approval;**

**M.G.L. Chapter 138, §26- Failure to have the appointment of the manager approved by the licensing authorities, as the regulation requires, to wit: Ch. 138, §12 (1 Count);**

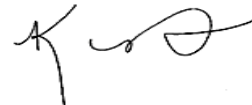
**M.G.L. Chapter 138, §64- Failure to comply with the Laws of the Commonwealth, to wit: M.G.L. Chapter 151A, §14; DUA (3 Counts);**

**M.G.L. Chapter 138, §64- Failure to comply with the Laws of the Commonwealth, to wit: M.G.L. Chapter 151A, §14; DUA – Fair Share Employer Contribution (1 Count);**

**204 CMR 2.01(8)- All applications shall be made under the penalties of perjury and any false statement contained in any application shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking a license or permit already granted (1 Count).**

The above-captioned licensee's license is **suspended indefinitely forthwith** until further order from this Commission.

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.



Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick Mahoney, Chief Investigator  
Rose Bailey, Investigator  
John Souza, Esq. via facsimile 508-753-7564  
File

**AMENDED  
DECISION**

**KLLR Foods, Inc.  
dba Celtic Tavern  
45 Belmont Street  
Northborough, MA 01532  
License #:090200007  
Heard: May 18, 2010**

KLLR Foods, Inc. dba Celtic Tavern (the “Licensee” or “KLLR Foods, Inc.”) 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 May 18, 2010, regarding an alleged violation of M.G.L. c.138, §23, M.G.L. c.138, §26, M.G.L. c. 138 §64; c. 138 §151A (3 Counts) M.G.L. c. 138 §64; c. 138 §151A (1Count) and 204 CMR 2.01(8) detailed in Investigator Rose Bailey’s Report.

The following documents are in evidence:

1. Investigator Rose Bailey’s Report;
2. Secretary of Commonwealth Corporate Filings dated June 6, 2006;
3. Commission Application dated May 15, 2006;
4. Approved Transfer Application dated June 9, 2006;
5. Commission Request for Documentation dated January 28, 2010;
6. Copy of Payroll Check from CJ Restaurant, LLC;
7. Commonwealth National Bank Authorized Signature Portfolio for KLLR Foods, Inc. dated August 10, 2009;
8. Commonwealth National Bank Authorized Signature Portfolio for KLLR Foods, Inc. dated October 16, 2009;
9. Flagship Bank and Trust Checking Account Statements dated October 30, 2009;
10. Secretary of the Commonwealth Corporate Filings for C/J Trucking, LLC dated March 16, 2010;
11. Commonwealth National Bank Authorized Signature Portfolio CJ Restaurant Enterprises, LLC dated October 23, 2009;
12. Commonwealth National Bank Authorized Signature Portfolio CJ Restaurant Enterprises, LLC Rent Account;
13. Commonwealth National Bank Authorized Signature Portfolio CJ Restaurant Enterprises, LLC Tax Account;
14. Commonwealth National Bank Authorized Signature Portfolio for KLLR Foods, Inc dated November 12, 2009;
15. Martignetti Companies Credit Application March 3, 2009;
16. Martignetti Companies Invoices and Corresponding Payment check number 1008 dated September 10, 2009;

17. Martignetti Companies Invoices and Corresponding Payment check number 1097 dated November 02, 2009;
18. Martignetti Companies Invoices and Corresponding Payment check number 1091 dated November 12, 2009;
19. Martignetti Companies Invoices and Corresponding Payment check number 1109 dated November 19, 2009;
20. Secretary of Commonwealth Corporate Filings CJ Enterprises, LLC dated October 9, 2009;
21. Massachusetts Division of Unemployment Assistance Statement of Account dated January 25, 2010;
22. Massachusetts Division of Unemployment Assistance Fair Share Employers Contributions Statement of Account dated January 25, 2010;
23. Commission License Renewal 2010; and
24. Licensee Stipulation of Facts.

- A. Letter from John L. Souza dated May 17, 2010; and
- B. Statement signed by Kenneth Koury dated February 26, 2010.

There is one (1) tape of this hearing.

### FACTS

1. KLLR Foods, Inc is a Massachusetts corporation organized and filed under M.G.L. Ch. 156D.
2. On March 6, 2006, the corporation submitted a supplemental statement consisting of corporate officer's name.
3. The license renewed the license for 2007, 2008 and 2009. On October 19, 2009, the licensee submitted documentation changing the dba from West Side Grille to Celtic Tavern.
4. On November 19, 2009, the licensee received the license for 2010.
5. On January 28, 2010, Investigators from the Commission conducted an inspection into the licensee's operation of the licensed premises pursuant to an anonymous complaint.
6. Upon entry the Investigators identified themselves and asked to speak with the manager.
7. A woman was interviewed and identified herself as the manager and showed the license with Kenneth Koury as the approved manager of record.
8. It was learned through the interview that Niche Hospitality was the management company who employed her.
9. The restaurant is owned by an individual other than the licensee whose name is listed on the liquor license.
10. After speaking with this individual, it was clear that KLLR Foods, Inc. violated M.G.L. Ch. 138 §23 and transferred the license without proper approval.
11. The bartender was then interviewed and it was determined that he was hired by Niche Hospitality Paid by CJ Restaurant by check and he only met Koury once and knows him as a being "An old owner."
12. Investigators further researched and found evidence of incorrect information. On the submitted credit application detailing incorrect invoices and corresponding payments buttressing the argument that a transfer of privilege was made of a license without proper approval.

13. Upon review of the Secretary of State Corporation Division Filing on October 9, 2009 it was found.
14. The sales managing member was Christopher Muello who was submitting the Articles of Organization to the Secretary of State in the business of owning, selling, leasing and operating restaurants.
15. All of these additional findings support the Commissions premise that the licensee was transferring the privilege of a license without proper approval.
16. Notification was received from the Department of Unemployment Assistance indicating that the licensee was not in compliance with Department of Unemployment Assistance and has an outstanding balance.
17. Fair Share Employer Contribution. The licensee has also not been in compliance with Fair Share Employer Contribution since 2009.
18. The licensee applied for a license under the pains and penalties of perjury for license renewal for calendar year 2010 indicating that the licensee was in compliance with Massachusetts state tax laws.

### CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §23, M.G.L. c.138, §26, M.G.L. c. 138 §64; c. 138 §151A (3 Counts), M.G.L. c. 138 §64; c. 138 §151A (1Count) and 204 CMR 2.01(8). The Commission **INDEFINITELY SUSPENDS the license of KLLR Foods, Inc. dba Celtic Tavern effective immediately.**

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner \_\_\_\_\_

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated: March 2, 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 Mahoney, Chief Investigator  
Rose Bailey, Investigator  
John Souza, Esq. via facsimile 508-753-7564  
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