

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

October 5, 2011

Topside, Inc. dba Ritz Café
4 Circuit Ave
Oak Bluffs, MA 02557
License #: 091800009
Heard: 9/27/ 2011

After a hearing on September 27, 2011, the Commission finds Topside, Inc. dba Ritz Café in violation of M.G.L. c.138, §34.

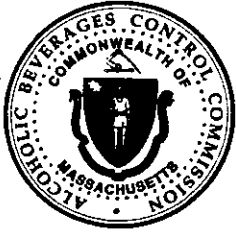
The Commission **suspends the licensee's license for a total of twenty (20) days to be served.** The suspension shall commence on **Wednesday, November 30, 2011 and terminate on Monday, December 19, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 30, 2011 at 9:00 A.M. It will be returned to the licensee Tuesday, December 20, 2011.

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
Jamie Binienda, Investigator
Administration
File



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DECISION

Topside, Inc. dba Ritz Café
4 Circuit Ave
Oak Bluffs, MA 02557
License #: 091800009
Heard: 9/27/ 2011

Topside, Inc. dba Ritz Café (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, September 27, 2011, regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report dated July 6, 2011.

There is one (1) tape of this hearing.

FACTS

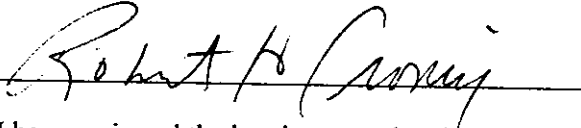
1. On, July 6, 2011 at approximately 6:25 p.m., Commission Investigators investigated the business operation Topside, Inc. dba Ritz Café.
2. An underage operative, working with the investigators, possessed a bottle of Bud Light.
3. Administrative review of the licensee's files indicates this was the fifth violation for the licensee since 2000.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34. Therefore, the Commission **suspends the licensee's license for a period of twenty (20) days to serve. No offer in compromise will be considered in lieu of suspension for this penalty.**

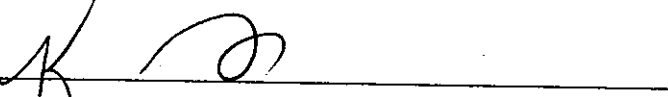
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: October 5, 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
Jamie Binienda, Investigator
Administration
File