



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

May 21, 2014

AKSON, INC. DBA SANTORINI RESTAURANT
376 REVERE BEACH BOULEVARD
REVERE, MA 02151
LICENSE#: 102200097
VIOLATION DATE: 08/05/2013
HEARD: 04/01/2014

After a hearing on April 1, 2014, the Commission finds Akson, Inc. dba Santorini Restaurant. in violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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.

The Commission suspends the licensee's license for a total of thirty (30) days to be served. The suspension shall commence on Wednesday, July 9, 2014, and terminate on Thursday, August 7, 2014. The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 9, 2014 at 9:00 A.M. It will be returned to the licensee Friday, August 8, 2014. **No Offer in Compromise will be accepted for one (1) day of the thirty (30) days suspension.**

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
Tara Kelleher, Investigator
Christopher Temple, Investigator
File

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DECISION

AKSON, INC. DBA SANTORINI RESTAURANT
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REVERE, MA 02151
LICENSE#: 102200097
VIOLATION DATE: 08/05/2013
HEARD: 04/01/2014

Akson, Inc. dba Santorini Restaurant (the "Licensee" or "Santorini") 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, April 1, 2014, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Violation Report dated August 5, 2013; and
2. Licensee's Stipulation of Facts.

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

The Commission took administrative notice of the Licensee's records.

FACTS

1. On Monday, August 5, 2013, Investigators Temple and Kelleher conducted an investigation of the business operation of Akson Inc. dba Santorini Restaurant located at 376 Revere Beach Boulevard, Revere, MA, to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and asked to speak with the owner or manager.
3. Nihat Aktas stated that he was the manager and owner.
4. Investigators asked Mr. Aktas from where he purchased his beer. He responded, "Blanchard's and Wonderland." He also stated that he used to purchase beer from Ball Square Liquor but stopped because they "stopped taking the empty bottles, so I said, you won't take empty bottles, I am not ordering from you."

5. Investigators asked Mr. Aktas if Ball Square knew that the beer was purchased for a restaurant. He responded, "Yes, they delivered here, but stopped taking the bottles because they didn't have room for them, so I stopped ordering from them."
6. The records of Ball Square indicate that between 9/21/2007 and 5/13/2013, purchases by Santorini totaled approximately \$15,303.00.
7. Mr. Aktas explained to investigators that the amount of beer he buys does not meet the minimum amount required from the distributors, which [amount] he says he "will never sell, it's too much, it expires before I can sell it."
8. Investigators confiscated two cases of Heineken beer.
9. Investigators ordered Mr. Aktas not to sell any of the remaining 10 cases of beer, and that he must keep the remaining alcohol, purchased from a \$15 retail package store, in a secured location pending the Commission's decision.
10. Investigators informed Mr. Aktas of the violation and that a report would be filed with the Chief Investigator for review.
11. Mr. Aktas admitted at the hearing that he sold three of the 10 cases of alcohol in complete disregard of the investigators' order.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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. Therefore, the Commission **suspends the license for thirty (30) days of which thirty (30) days will be served.**


Due to the Licensee's disregard of the Investigators' order not to sell the alcohol purchased from another section 15 licensee, no Offer in Compromise will be accepted for one (1) day of the thirty (30) days suspension.

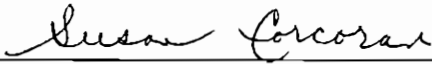
ORDER OF DESTRUCTION

Per M.G.L. c. 138, § 2, the alcoholic beverages may not be offered for sale in Massachusetts and these alcoholic beverages must be destroyed by the owner. The Commission **orders the Licensee to destroy the alcoholic beverages pursuant to this Order of Destruction.** The licensee must submit the required plan for this Order of Destruction on or before June 21, 2014, as a condition of its license. The plan should include:

1. A written inventory of all alcoholic beverages to be destroyed;
2. The implementation of the plan in detail, with the scheduled date of destruction;
3. The name, address and qualifications of the waste disposal agent/company/facility;
4. An affirmation that the plan complies with all laws of the Commonwealth, including but not limited to, the health and environmental laws; and
5. An acknowledgement that destruction and disposal of all alcoholic beverages shall be conducted only in the presence of a Commission Investigator.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

Dated: May 21, 2014

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
Tara Kelleher, Investigator
Christopher Temple, Investigator
Administration
File