

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

L.M.K. INC. DBA THE TIN CAN ALLEY LOUNGE
74 COLLEGE HIGHWAY
SOUTHAMPTON, MA 01073
LICENSE#: 121200002
HEARD: 3/6/2012

L.M.K. Inc. dba The Tin Can Alley Lounge (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, March 6, 2012, 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 Michael Teehan's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Teehan's Compliance Check Field Report dated May 18, 2011.

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

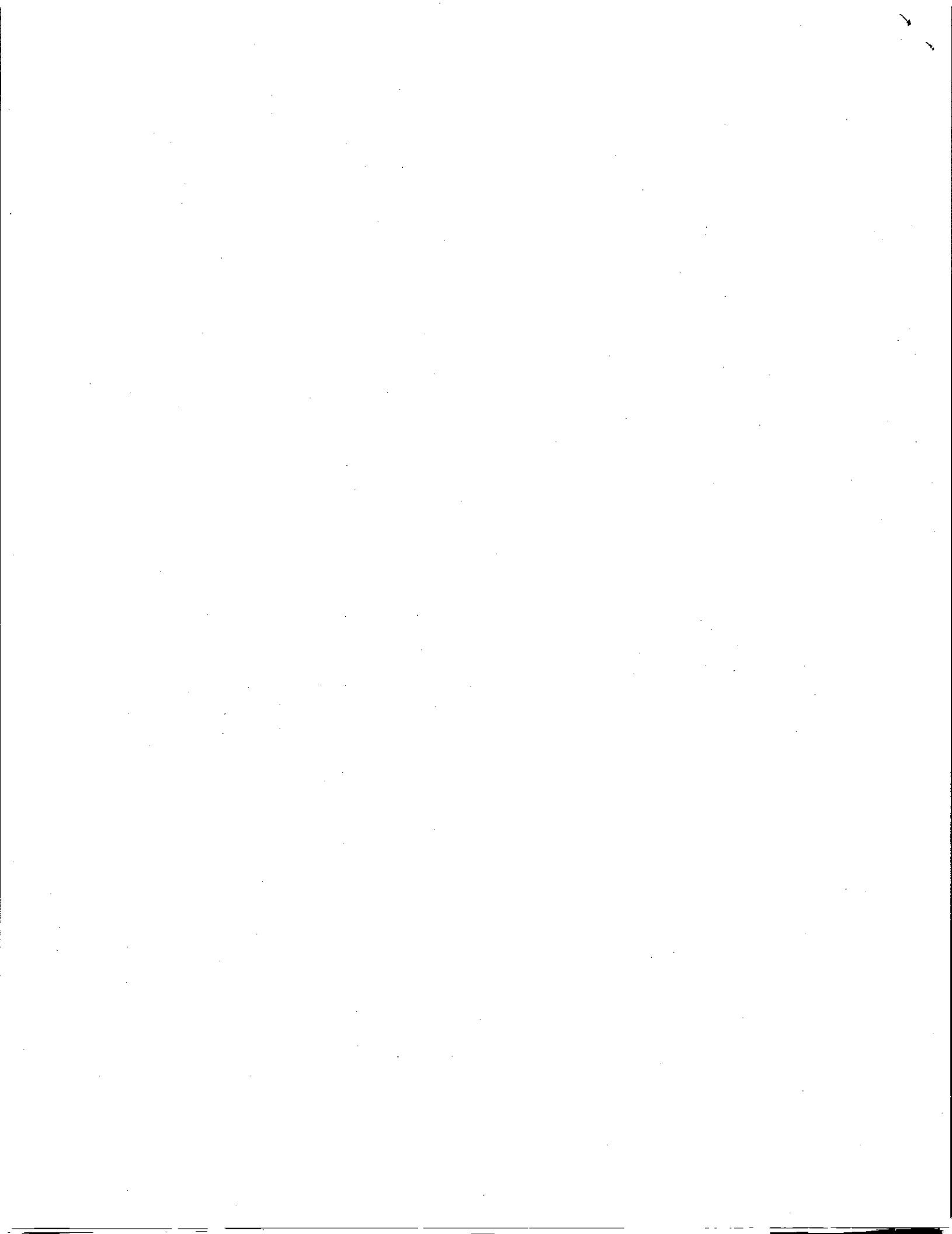
FACTS

1. On May 18, 2011, at approximately 7:36 p.m., Commission Investigators investigated the business operation of L.M.K. Inc. dba The Tin Can Alley Lounge.
2. An underage operative, working with the investigators, purchased a Budweiser can for three dollars (\$3.00). The underage operative was not asked for identification.
3. Administrative review of the files indicates the licensee had a violation of M.G.L. c.138, §34 in April 2008, for which they were issued a warning.

CONCLUSION

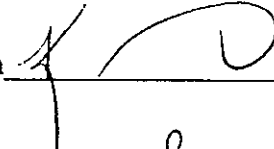
Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

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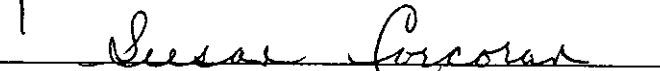


ALCOHOLIC BEVERAGES CONTROL COMMISSION

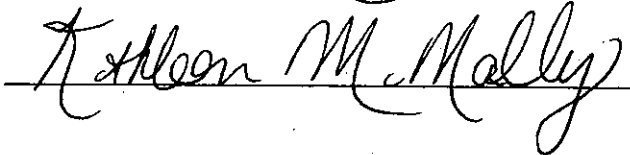
Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: March 7, 2012

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

