

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

BAHA BROS. PUB & RESTAURANT, INC. DBA BAHA BROS. SANDBAR GRILL
64 WEIR STREET
TAUNTON, MA 02780
LICENSE#: 126400040
VIO. DATE: 08/15/2012
HEARD: 11/13/2012

Baha Bros. Pub & Restaurant, Inc. dba Baha Bros. Sandbar Grill (the "Licensee") 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, November 13, 2012, regarding an alleged violation of 204 CMR 2.05(2) Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 94 §186-Falling Below the Standard of Purity (6 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Investigative Report.

The following documents and physical items are in evidence:

1. Investigator Kelleher's Investigative Report dated August 15, 2012;
 2. Licensee's Stipulation of Facts; and
 3. Six (6) Bottles of Alcoholic Beverages.
- A. Licensee's Pest Control Reports.

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

FACTS

1. On Wednesday, August 15, 2012, at approximately 2:00 p.m., Investigators Binienda, Kenny, and Kelleher conducted an investigation of the business operation of Baha Bros. Pub & Restaurant, Inc. dba Baha Bros. Sandbar Grill to determine the manner in which their business was being conducted.
2. Upon entering the premises, investigators identified themselves to the bartender on duty, Ms. Jamie Wilcox, and requested to speak with the manager of the premises, who was not present at the time.
3. Investigators inspected the bar area and observed six (6) open alcoholic beverage bottles that contained foreign matter and fruit flies.

4. These bottles of alcoholic beverages taken as evidence were:
 - a) Apricot Brandy;
 - b) Dekuyper Crème De Cocoa;
 - c) Dekuyper Luscious Sloe Gin;
 - d) Goslings Dark Rum;
 - e) Paul Masson Brandy; and
 - f) Sutton Club Whiskey.

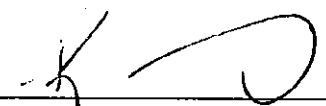
5. Investigators informed Ms. Wilcox of the violations and that a report would be submitted to the Chief Investigator for further action.

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. 94 §186-Falling Below the Standard of Purity (6 counts). Therefore, 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.**

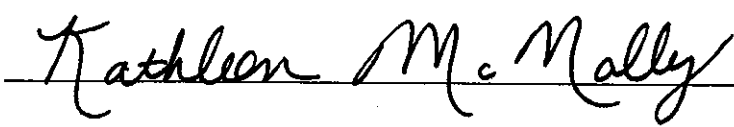
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



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

Kathleen McNally, Commissioner



DATE: November 20, 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
Tara Kelleher, Investigator
Jamie Binienda, Investigator
Mark Kenny, Investigator
Administration
File