



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF INDEFINITE SUSPENSION

October 29, 2019

**BAHA BROS. PUB & RESTAURANT, INC. D/B/A BAHA BROS. SANDBAR GRILL
64 WEIR STREET
TAUNTON, MA 02780
LICENSE#: 1264-00040
VIO. DATE: August 2018 – January 2019
HEARD: 10/29/2019**

After a hearing on October 29, 2019, the Commission finds Baha Bros. Pub & Restaurant, Inc. dba Baha Bros. Sandbar Grill violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Baha Bros. Pub & Restaurant, Inc. dba Baha Bros. Sandbar Grill **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

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

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Jack Carey, Investigator
Greg Polin, Esq., Lottery
John DeSimas, Lottery
Peter Hebert
Administration, File



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DECISION

**BAHA BROS. PUB & RESTAURANT, INC. DBA BAHA BROS. SANDBAR GRILL
64 WEIR STREET
TAUNTON, MA 02780
LICENSE#: 1264-00040
VIO. DATE: August 2018 – January 2019
HEARD: 10/29/2019**

Baha Bros. Pub & Restaurant, Inc. dba Baha Bros. Sandbar Grill (the "Licensee" or "Baha Bros.") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, October 29, 2019, regarding an alleged violation of M.G.L. c. 10 § 33, 961 CMR 2:20 (1) – All tickets provided to the Licensed Sales Agent by the Lottery¹, and all proceeds from the sale of such tickets, shall at all times remain the exclusive property of the Lottery. All such proceeds shall be deposited by the Sales Agent into the trust account established pursuant to 961 CMR 2.16 (1), at such times and on such terms as the Director may from time to time require.

The following documents are in evidence:

1. Lottery Documents re: Licensee's Debt.

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

FINDINGS OF FACT

1. As the Lottery was unable to arrange payment from Baha Bros.'s, the Lottery revoked its Sales Agent license and removed the Lottery machines from the licensed premises.
2. On April 9, 2019, John DeSimas, Director of Credit and Collections for the Lottery, contacted the ABCC's Enforcement Division for assistance to bring this former state lottery sales agent in compliance.

¹ Massachusetts State Lottery Commission is commonly referred to as "the Lottery."

3. On June 12, 2019, the Alcoholic Beverages Control Commission notified the Licensee via first class mail that a hearing would be held on Tuesday, July 30, 2019, regarding alleged violations of M.G.L. c. 10 § 33, 961 CMR 2:20.
4. On July 29, 2019, Allison O'Keefe, financial associate for the Lottery, contacted the Commission requesting to reschedule the hearing for three months. The hearing was rescheduled to Tuesday, October 29, 2019.
5. The Licensee did not appear at the scheduled hearing. The Licensee did not contact the Commission to reschedule the hearing or to request a continuance.
6. Attorney Greg Polin appeared for the Massachusetts State Lottery (the "Lottery") and informed the Commission that Baha Bros. owes the Lottery over \$12,000.
7. Attorney Polin requested that the Commission indefinitely suspend the license.

CONCLUSION

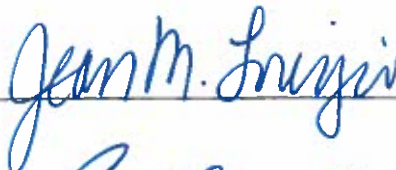
Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 10 § 33, 961 CMR 2:20 (1).

Therefore, the Commission **INDEFINITELY SUSPENDS** the license of Baha Bros. Pub & Restaurant, Inc. dba Baha Bros. Sandbar Grill **effective forthwith** until further written order of the Commission.

The Commission will not issue any further order without a written request from the Licensee showing good cause to reconsider this indefinite suspension and a hearing before the Commission that the Licensee attends. Good cause for the Commission to consider issuing a further written order revising the order of Indefinite Suspension will include, but not be limited to, the Licensee making payment to the Massachusetts State Lottery for the amount owed.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Kathleen McNally, Commissioner



Dated: October 29, 2019

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.

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