

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
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Jean M. Lorizio, Esq.
Chairman

DECISION

**LITTLE BUCK INC. D/B/A MALARKEY'S
320 WEST CENTER ST.
WEST BRIDGEWATER, MA 02379
LICENSE#: 03120-RS-1366
HEARD: 9/06/2018**

This is an appeal of the action of the Town of West Bridgewater Board of Selectmen (the "Local Board" or "West Bridgewater") for revoking the of M.G.L. c. 138, § 12 all alcoholic beverages license of Little Buck Inc. d/b/a Malarkey's ("Licensee" or "Malarkey's") located at 320 West Center Street, West Bridgewater, Massachusetts. The Licensee timely appealed the Local Board's decision to the Alcoholic Beverages Control Commission (the "Commission" or "ABCC"), and a hearing was held on Thursday, September 6, 2018.

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

FINDINGS OF FACT

1. Little Buck Inc. d/b/a Malarkey's ("Licensee" or "Malarkey's") operates a business with a principal office located at 320 West Center St., West Bridgewater, Massachusetts. Malarkey's holds a § 12 all alcoholic beverages license which was approved by the Commission on February 21, 2017. (Commission record)
2. By decision dated July 12, 2018, the Local Board revoked the Licensee's license. (Commission record)
3. The Applicant timely appealed the Local Board's decision to the Commission, and subsequently, the Commission issued a Notice of Appeal Hearing dated July 31, 2018. (Commission record)
4. The Commission did not receive any written or verbal notice from the Licensee withdrawing his appeal request. (Commission Records)
5. On Thursday, September 6, 2018, the appeal hearing was held as scheduled. (Commission Records)
6. The Commission waited until approximately 10:15 a.m. prior to commencing the hearing. (Commission Records)

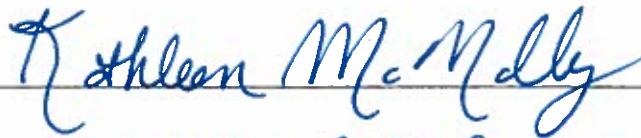
7. The Licensee did not contact the Commission and failed to appear at the hearing. (Commission Records)
8. Counsel for the Town of West Bridgewater appeared before the Commission with three (3) witnesses.
9. Counsel for the Town of West Bridgewater made a Motion to Dismiss the appeal. (Commission record)

CONCLUSION

The Licensee or an authorized representative failed to appear and pursue this appeal. Therefore, the Commission **ALLOWS** the Town of West Bridgewater's Motion to Dismiss the appeal. This matter is **DISMISSED WITH PREJUDICE FOR FAILURE OF THE LICENSEE TO APPEAR.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: September 6, 2018

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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cc: David T. Gay, Esq. via facsimile 508-880-2602
Paul Buckley, owner
Frederick G. Mahony, Chief Investigator
Local Licensing Board
Administration, File