



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim S. Gainsboro, Esq.
Chairman

January 20, 2017

THE PAHK INC. D/B/A THE PAHK
285-287 ELM STREET
WESTFIELD, MA 01085
LICENSE#: 144000134
VIOLATION DATE: 05/05/2016
HEARD: 01/10/2017

After a hearing on January 10, 2017, the Commission finds The Pahk Inc. d/b/a The Pahk violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts).

Therefore the Commission **suspends the license for a period of nine (9) days of which three (3) days will be served, and six (6) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

The suspension shall commence on Wednesday, March 15, 2017 and terminate on Friday, March 17, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 15, 2017 at 9:00 A.M. It will be returned to the licensee on Saturday, March 18, 2017.

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 which must be signed by the Licensee and 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

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Jan Kujawski, Investigator
Administration, File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
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DECISION

Kim J. Gainsboro, Esq.
Chairman

THE PAHK INC. D/B/A THE PAHK
285-287 ELM STREET
WESTFIELD, MA 01085
LICENSE#: 144000134
VIOLATION DATE: 05/05/2016
HEARD: 01/10/2017

The Pahk Inc. d/b/a The Pahk (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, January 10, 2017, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated May 5, 2016;
2. Licensee's Stipulation of Facts;
3. RMV Report of Underage #2; and
4. RMV Report of Underage #1.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Thursday, May 05, 2016, at approximately 10:30 p.m., Investigators Kujawski and Velez ("Investigators") conducted an investigation of the business operation of The Pahk Inc. d/b/a The Pahk to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and observed a group of youthful appearing individuals, standing near the dance floor, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 5/08/1997 (age 18) was in possession of a Long Island Iced Tea cocktail. She presented Investigators with a false Connecticut driver's license.
4. Underage #2, actual date of birth 2/07/1997 (age 19) was in possession of a two Long Island Iced Tea cocktails. She presented Investigators with a false Maine driver's license.

5. Investigators spoke to the owner, Rich Dowling, as well as to the manager on duty, and identified the underage individuals to them.
6. Investigators informed Mr. Dowling of the violation and that a report would be filed with 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. 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts). Therefore the Commission **suspends the license for a period of nine (9) days of which three (3) days will be served, and six (6) 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

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: January 20, 2017

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: Local Licensing Board
Frederick G. Mahony, Chief Investigator
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