

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

HEALY'S RESTAURANT INC. DBA MOYNIHAN'S RESTAURANT
895-97 MAIN ST.
WORCESTER, MA 01610
LICENSE#: 150800102
HEARD 3/6/2012

Healy's Restaurant Inc. dba Moynihan's Restaurant (the "Licensee") holds an all alcoholic beverages 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 26 USC §5301c (14 counts). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Jan Kujawski's Investigative Report.

The following documents and physical items are in evidence:

1. Investigator Kujawski's Investigative Report dated September 8, 2011;
2. Licensee's Stipulation of Facts to two (2) counts; and
3. Box of Alcohol.

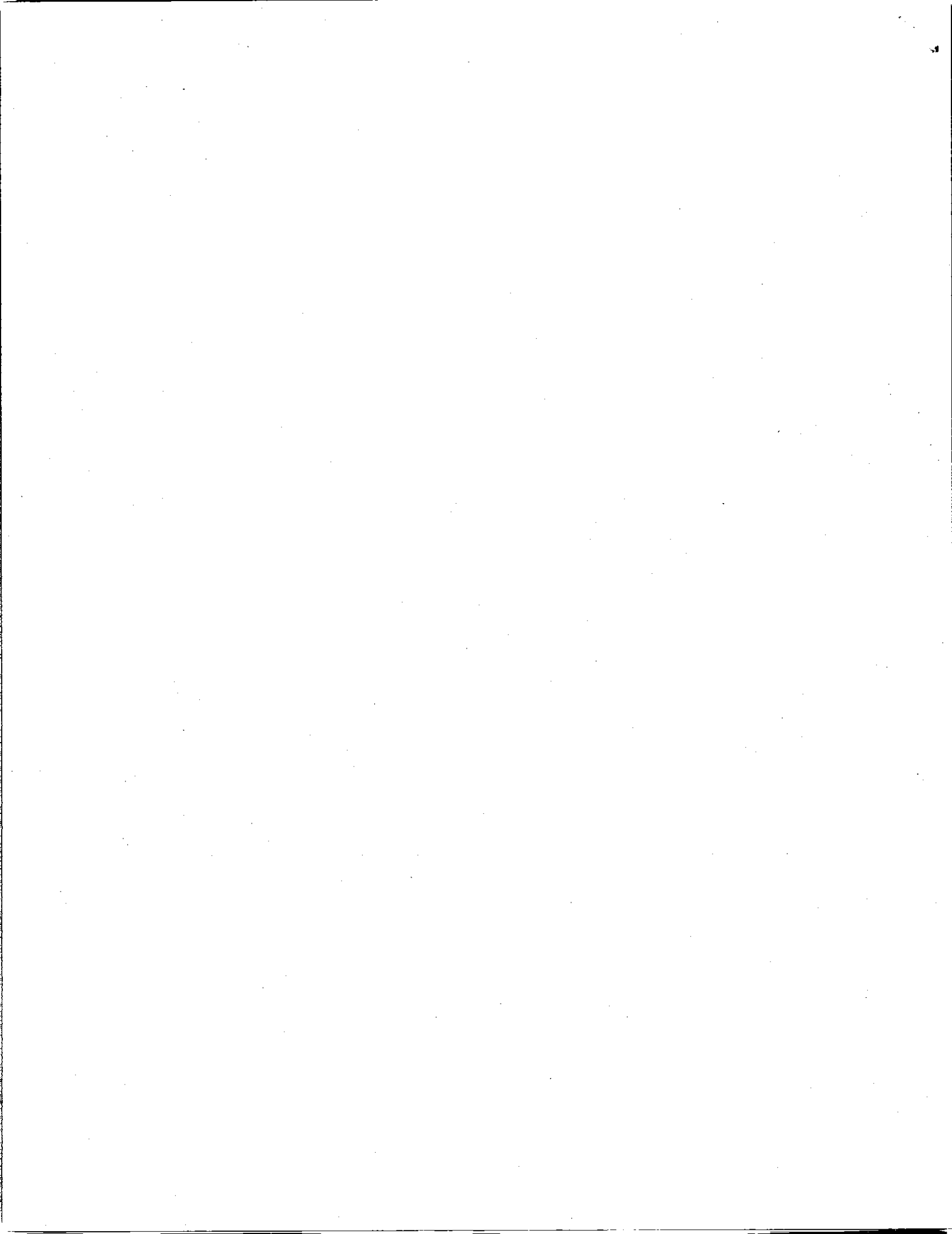
A. Receipts.

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

FACTS

1. On Thursday, September 8, 2011, at approximately 11:35 p. m., Investigators Rose Bailey and Jan Kujawski investigated the business operation of Healy's Restaurant Inc. dba Moynihan's Restaurant to determine the manner in which their business was conducted.
2. Investigators identified themselves to the bartender on duty, and asked to speak with the manager on duty, or the owner.
3. The bartender contacted the license manager, later identified as Mr. Nickolas Karcasinas.
4. The bartender told investigators that the manager would arrive shortly.
5. Mr. Karcasinas arrived as investigators were conducting an inspection of the bar area.
6. Investigators asked Mr. Karcasinas if there was any other alcohol in storage.
7. Mr. Karcasinas stated other alcohol was kept in the cellar storage room.
8. Investigators proceeded downstairs to the cellar liquor storage room.

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9. In the liquor storage room, investigators observed two (2) empty bottles of Kahlúa Licor Delicioso.
10. In the liquor storage room, investigators also observed fourteen (14) full bottles of Caffé Lolita Licor De Café, a less expensive coffee flavored liqueur.
11. Investigators informed Mr. Karcasinas that a complaint filed with the Commission indicated that the licensee was substituting Caffé Lolita Licor De Café for Kahlúa Licor Delicioso.
12. Mr. Karcasinas admitted to making this substitution.
13. Investigators informed Mr. Karcasinas of the violation, 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 26 USC §5301c (14 counts). Therefore, the Commission **suspends the license for five (5) days of which five (5) 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



Susan Corcoran, 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
Jan Kujawski, Investigator
Stephen V. Miller, Esq. via facsimile
Administration
File

