

Re: Bangkok Hut, Inc.
d.b.a.: Montein Restaurant
Premise: 63 Stuart Street
City/Town: Boston, MA 02111
Heard: May 12, 2009

DECISION

A Commission hearing was held to determine whether Bangkok Hut, Inc. d.b.a. Montein Restaurant violated M.G.L. Chapter 138 § 15A- Failure to disclose all person who have a direct or indirect beneficial or financial interest (1 count); and, M.G.L. Chapter 138 § 23- Transfer of the Privilege of a license without proper approval (1 count).

On November 11, 1996, the Commission approved a transfer of license from Siam, Inc. to Bangkok Hut, Inc. Panja S. Lymswan was the approved manager and the sole officer, director and stockholder. On the application, he signed, under the penalty of perjury, that he would be the only person or entity receiving a financial interest in the business.

On October 31, 2008, at approximately 4:30 p.m., Investigator Rose Bailey and Investigator Paul Capurso entered the licensed premises in order to determine the manner in which its business was being conducted. When they entered, they asked to speak with Piam Suktheva who they eventually were able to meet with. The investigators questioned Ms. Suktheva about her involvement with Bangkok Hut to which she responded that she and her husband Somyot Suktheva were owners since 1997. She continued to explain that they had taken over the business from her brother-in-law. She also informed the investigators that she has full control of three (3) business accounts and that she writes out most checks for business expenses. She continued to explain that she is in charge of hiring, training, making bank transactions and ordering alcoholic beverages and other business expenses. When questioned about the absence of her name on the liquor license, Ms. Suktheva stated that she "did not get around to it," according to the report.

It is clear that ten (10) years ago, a transfer, while informal, did occur from the brother-in-law to Piam and Somyot Suktheva. However, there was never any approval to transfer this license and the Suktheva's were doing so without proper approval or authority.

The Commission finds that Bangkok Hut, Inc. d.b.a. Montein Restaurant was in violation of M.G.L. Chapter 138 § 15A- Failure to disclose all person who have a direct or indirect beneficial or financial interest (1 count); and, M.G.L. Chapter 138 § 23- Transfer of the Privilege of a license without proper approval (1 count). Therefore, the Commission

indefinitely suspends the license commencing Labor Day, September 7, 2009, until the parties can have the license approved by the Local Licensing Board of the City of Boston and by the Alcoholic Beverages Control Commission.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner_____

Robert H. Cronin, Commissioner_____

Dated in Boston, Massachusetts this 14th day of July 2009.

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 days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack P. Milgram, Esq.
File