



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

TIKI KYE, INC. DBA TIKI KYE RESTAURANT
MONTELLO STREET
CARVER, MA 02330
LICENSE #: 017400013
HEARD: 04/26/2011

Tiki Kye, Inc. dba Tiki Kye Restaurant (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 26, 2011, regarding an alleged violation of M.G.L. c.138, §69 (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jack Carey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Jack Carey's Report.

There is one (1) tape of this hearing.

FACTS

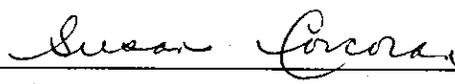
1. On December 17, 2010 at approximately 8:55 p.m., Investigator Binienda and Carey entered the licensed premises to observe the manner of which business was being conducted at Tiki Kye, Inc. dba Tiki Kye Restaurant.
2. The investigators observed a male sitting up at the bar with his eyes half closed.
3. He was consuming a bottle of Miller beer.
4. He also had an empty shot glass in front of him.
5. At 9:05 p.m., the investigators observed him take another shot of zambuca.
6. They observed the male patron get up off the bar stool and was extremely unsteady on his feet.
7. He left the bar to have a cigarette out front.
8. While walking around outside he attempted to high-five another patron and was not able to slap the other patrons hand.
9. He then hugged the male patron twice and appeared to be uncoordinated as he did so.
10. When he returned from his cigarette at 9:15 p.m., they observed him having another shot of zambuca.
11. At 9:25 p.m., the band stopped playing music and the investigators were able to hear the male patron speak.
12. He was slurring to other patrons as he spoke.
13. At 9:30 p.m., Investigators again observed the patron taking another shout of zambuca.

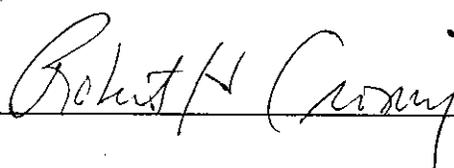
14. All four (4) shots were served to the patron by the same bartender.
15. Investigators noticed that the male patron had consumed three (3) shots from 8:55 pm. To 9:30 p.m.
16. The investigators called the Carver Police department and Sgt. Orr came into the licensed premises.
17. He, along with the investigators, identified themselves to the bartender and the bar manager.
18. The intoxicated male patron stated to investigators that he did not have any physical impairments that would make him unsteady on his feet.
19. He further stated that enjoys coming to the bar and overindulging.
20. The male patron called his friend to pick him up so he would have a safe ride home.
21. The investigators informed the manager that there would be a report filed with the Commission.
22. An administrative view of the file indicated that there is a prior violation in 2004.

CONCLUSION

Based on the evidence, the commission finds the licensee violated M.G.L. Ch. 138 §69 (1 count). The Commission **suspends the license for twelve (12) days of which eight (8) days will be served and four (4) 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

Susan Corcoran, Commissioner 

Robert H. Cronin, Commissioner 

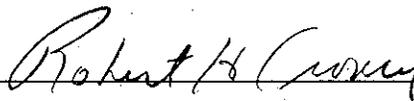
Dated: August 16, 2011

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.

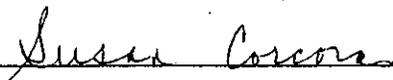
cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
File

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: March 31, 2011

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
Michael Teehan, Investigator
File