

Re: Essex Fortune Palace, Inc.
Premise: 99 Main Street
City/Town: Essex, MA 01929
License: AA Restaurant
Heard: September 1, 2009

DECISION

A Commission hearing was held to determine whether Essex Fortune Palace, Inc. was in violation of M.G.L. c. 138, §23- Sale of alcoholic beverages other than those purchased under 18 or 19 or from a holder of a special permit under 22A (8 counts).

The licensee stipulated to the Investigator's report. Investigator Timothy Hooton testified that on July 6, 2009, he and Investigators Doyle and Carey investigated the Essex Fortune Palace, Inc. for its business operations. They conducted an inspection of the bar area and stockroom and found 8 bottles with retail package store price stickers affixed to the bottles.

The licensee appeared and argued that he had been in the process of petitioning for relief in Court from being on the Wholesaler's List under M.G.L. c. 138, sec. 25 due to pledge foreclosure of the previous owner. The licensee made several attempts to get released from the List but was informed by the Local Licensing Board that he needed to stay on the List notwithstanding the fact that his license was in good standing. However, the Commission still recognizes the fact that the licensee was still in possession of eight bottles other than those purchased from a holder of a special permit under 22A or under 18 or 19 from c. 138, §23.

The Commission finds the licensee in violation of the above-referenced charge and **SUSPENDS its license for eight (8) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner _____

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 22nd day of December 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: Essex Licensing Board; Frederick G. Mahony, Chief Investigator; Frederick W. Riley, Esq.; File