

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

November 8, 2011

TNS NIGHTCLUB, INC. DBA TNS RESTAURANT
416-418 PARK STREET
LAWRENCE, MA 01841
LICENSE#: 059400196
HEARD: 10/25/2011

After a hearing on October 25, 2011, the Commission finds TNS Nightclub, Inc. dba TNS Restaurant in violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and M.G.L. c. 138, §64.

The Commission **suspends the licensee's license for a total of three (3) days to be served.** The suspension shall commence on **Wednesday, December 21, 2011 and terminate on Friday, December 23, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 21, 2011 at 9:00 A.M. It will be returned to the licensee Saturday, December 24, 2011.

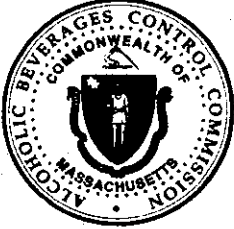
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Mark Kenny, Investigator
Administration
File



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

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DECISION

TNS NIGHTCLUB, INC. DBA TNS RESTAURANT
416-418 PARK STREET
LAWRENCE, MA 01841
LICENSE#: 059400196
HEARD: 10/25/2011

TNS Nightclub, Inc. dba TNS Restaurant (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, October 25, 2011, regarding an alleged violation of 204 CMR 2.05 (1), 204 CMR 2.05 (2) and M.G.L. c. 138, §64. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Mark Kenny's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Report of Investigator Mark Kenny.

A. Secretary of Commonwealth Filing Results.

There is one (1) tape of this hearing.

FACTS

1. On August 25, 2011, Investigators investigated the business operation of TNS Nightclub, Inc.
2. Once inside the premises, the Investigators observed five (5) poker machines in plain view against the wall.
3. They questioned the owner as to the machines and he stated that he only pays out to people he knows. The payout is twenty-five (25) cents per point.
4. Subsequently, the investigators performed an inspection of the premises and bar area and noticed large bottles of alcohol beverages partially filled in a storage room behind the bar.
5. The owner, when questioned about these items, stated that he uses the large bottles to pour into smaller bottles to be used at the bar.

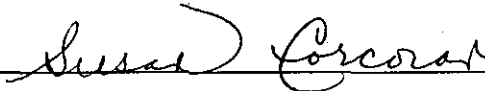
6. Four (4) bottles were observed at that time:
 - Parrot Bay Coconut Rum
 - Southern Comfort
 - Patron Tequila
 - Grey Goose Vodka
7. As part of their ongoing investigation, the investigators conducted a search of the licensee's Secretary of the Commonwealth records which indicated that the licensee failed to file an annual return for the time period of 2005 through 2011.
8. The licensee has held the license for six (6) years.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for four (4) days of which three (3) days will be served and one (1) day 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



Kathleen McNally, Commissioner



Dated: November 8, 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
Mark Kenny, Investigator
Administration
File