



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

March 13, 2012

PAVAN RESTAURANT GROUP, INC. DBA DIVA
246-48 ELM ST
SOMERVILLE, MA 02143
LICENSE#: 113000028
HEARD 3/13/2012

After a hearing on March 13, 2012, the Commission finds Pavan Restaurant Group, Inc. dba Diva in violation of 204 CMR 4.03(b) and M. G. L. c.138 §34 (1 count).

The Commission **suspends the licensee's license for a total of one (1) day. The suspension shall commence on Wednesday, May 2, 2012 and terminate on Wednesday, May 2, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 2, 2012 at 9:00 A.M. It will be returned to the licensee Thursday, May 3, 2012.

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.

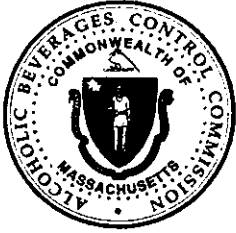
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Paul Capurso, Investigator
✓ Administration
File

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Boston, Massachusetts 02114

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DECISION

PAVAN RESTAURANT GROUP, INC. DBA DIVA
246-48 ELM ST
SOMERVILLE, MA 02143
LICENSE#: 113000028
HEARD 3/13/2012

Pavan Restaurant Group, Inc. dba Diva (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 13, 2012, regarding an alleged violations of 204 CMR 4.03 (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Paul Capurso's Investigative Report.

The following documents are in evidence:

1. Investigator Capurso's Investigative Report dated December 31, 2011;
2. Licensee's Stipulation of Facts;
3. Highroller Boston Presents Flyer; and
4. Press Release dated December 31, 2011, "New Years Eve Masquerade Ball (Open Bar) Sold Out".

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

FACTS

1. On Saturday, December 31, 2011, at approximately 04:30 p. m., Investigators Tim Hooton and Paul Capurso investigated the business operation of Pavan Restaurant Group, Inc. dba Diva to determine the manner in which their business was conducted.
2. Investigators had observed an advertisement that appeared on Boston.com and on the licensee's website, divabistro.com, which advertised "Premium Open Bar all Night Long" and "Tickets on Sale Now".
3. Investigators observed several signs posted on the entrance door and throughout the bar area advertising the same prohibited practice.
4. Investigators spoke to Mr. Jaswinder Pabla, the brother of the license, and informed him of the violation.
5. Investigators provided Mr. Pabla with a copy of the Commission guidelines which address the Happy Hour regulations.
6. Mr. Pabla stated he was not aware that the advertisement was in violation of Commission regulations.

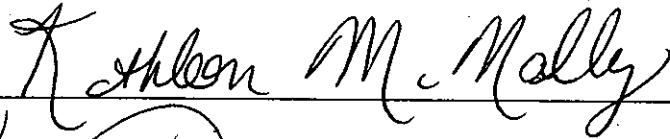
7. Mr. Pabla stated he thought the open bar was allowed if the event was a private party.
8. Investigators explained that by selling tickets, the event was no longer considered to be a private party.
9. Investigators informed Mr. Pabla of the violation, and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

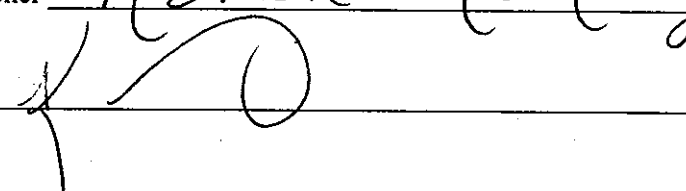
Based on the evidence, the Commission finds the licensee violated 204 CMR 4.03 (1 Count). Therefore, the Commission **suspends the license for one (1) day, of which one (1) day will be served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Kim S. Gainsboro, Chairman



Dated: March 13, 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
Paul Capurso, Investigator
Administration
File