

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 REVOCATION

July 9, 2014

SEA DOG PLYMOUTH, LLC DBA NIX'S
6 TOWN WHARF
PLYMOUTH, MA 02360
LICENSE #: 098400233

The Commission finds Sea Dog Plymouth, LLC d/b/a Nix's in violation of M.G.L. c. 10, §74.

The above-captioned licensee's license is **REVOKED forthwith**.

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
Rose Egan-Bailey, Investigator
Administration
File



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DECISION

SEA DOG PLYMOUTH, LLC DBA NIX'S
6 TOWN WHARF
PLYMOUTH, MA 02360
LICENSE #: 098400233

Sea Dog Plymouth, LLC d/b/a Nix's (the "Licensee") is the holder of a license to sell alcoholic beverages to be consumed on the premises pursuant to the provisions of M.G.L. c. 138, §12.

FACTS

1. On Tuesday, July 8, 2014, at approximately 5:00 p.m., the Alcoholic Beverages Control Commission (the "Commission") was informed by Plymouth Town Officials ("Plymouth"), that the Building Safety Certificate of Inspection, issued pursuant to M.G.L. c. 10, §74, had expired at the premises of 6 Town Wharf, Plymouth, Massachusetts. Plymouth further informed the Commission that the Licensee continued to operate under its §12 license and was doing so after expiration of its M.G.L. c. 10, §74 Building Safety Certificate of Inspection.
2. On Wednesday, July 9, 2014, Commission Investigator Rose Bailey conducted an investigation of the business operation of Sea Dog Plymouth, LLC d/b/a Nix's to determine the manner in which its business was being conducted.
3. When investigator Bailey entered the premises to determine the status of the Building Safety Certificate, she discovered that the Building Safety Certificate of Inspection issued pursuant to M.G.L. c. 10, §74, had expired on April 30, 2014.
4. Investigator Bailey observed that the Licensee is currently operating its licensed premises.
5. As a result, the Licensee is operating without a valid Building Safety Certificate of Inspection.

DISCUSSION

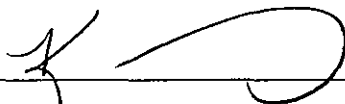
The language of M.G.L. c. 10, §74 is clear:

"The issuance of such certificate shall be a precondition for the issuance or renewal of such a license and the Commission may summarily revoke any license upon notice of noncompliance or expiration of such certificate, by operation of law and without a hearing." (Emphasis supplied).

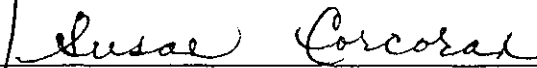
As a result of the Licensee's failure to possess a valid Building Safety Inspection Certificate as required by M.G.L. c. 10, §74, the Commission hereby orders that the Licensee's license to operate under M.G.L. c. 138, §12 be **REVOKED FORTHWITH**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

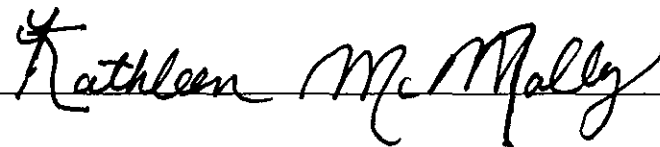
Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: July 9, 2014

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
Rose Egan-Bailey, Investigator
Administration
File