

Re: Tokyo Steakhouse, Inc.
d.b.a.: Tokyo Steak House
Premises: 300 Andover Street
City/Town: Peabody, MA 01960
License: AA Restaurant
Heard: August 19, 2008

DECISION

This was a hearing concerning alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (18 counts).

The licensee stipulated to the facts of the investigator's report which stated that A.B.C.C. investigators observed several bottles at the licensed establishment with retail price stickers attached to them. They included: one 1.75L of Stoli Orange, one 1.75L of Myers Rum, one 750ML of B&D Liqueur, two 1.75L of Tanqueray, three 1.75L of Peach Schnapps, two 1.75L of Baroca Rum, two 1.75L of Cardin Brandy, five of Salmon Creek Wine, and one 1.75L of Bombay Sapphire.

Based on the evidence, the Alcoholic Beverages Control Commission finds that the license violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (18 counts) and, therefore, **suspends the license for a period of 18 days of which 9 days will be held in abeyance** as long as no other violations of Ch. 138 or Commission regulations are found within one year.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Suzanne Iannella, Commissioner _____

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 20th day of August 2008.

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
File