

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

KARSA, INC DBA HOGAN'S II
158-160 FRANKLIN STREET
LYNN, MA 01901
LICENSE#: 063800031
HEARD: 10/18/11

Karsa, Inc. dba Hogan's II (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 Tuesday, October 18, 2011, regarding an alleged violation of 204 CMR 2.05(2). Prior to the commencement of the hearing the licensee stipulated to the facts detailed in Investigator Caroline Guarino-Wilichoski's Report.

The following documents are evidence:

1. Investigator Caroline Guarino-Wilichoski's Report; and
2. Stipulation of Facts.
 - A. Horizon Beverage Purchase Order; and
 - B. Horizon Beverage Purchase Order.

There is one (1) tape of this hearing.

FACTS

1. In late May of this year, Investigator Hooton and Guarino-Wilichoski conducted an investigation into the business operation of Karsa, Inc. dba Hogan's II.
2. On the licensed premises, Investigator Guarino-Wilichoski's attention was drawn to the liquor bottles in the bar area.
3. The liquor bottles were the 1.75 liter bottles.
4. Investigator Guarino-Wilichoski spoke to the bartender on duty and asked to see invoices for the bottles
5. The bartender advised the investigator that he did not know where the invoices are kept and that the Investigator should speak with the owner, Mr. Ernest Karytis.
6. Investigator Guarino-Wilichoski left a note with the bartender to have Mr. Karytis contact her and that she wanted invoices for the following bottles forwarded to her at the Commission.

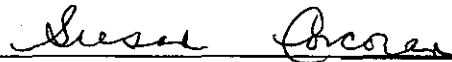
7. The invoiced requested were for:
 - 1.75 liter of Jack Daniels
 - 1.75 liter of Captain Morgan
 - 1.75 liter of Absolute Vodka
 - 1.75 liter of Crown Royal
8. By June 14, 2011, Investigator Guarino-Wilichoski had not received a telephone call and/or the invoices.
9. Investigator Guarino-Wilichoski sent a Demand Notice for documents to this licensee.
10. The investigator asked for invoices dating back to January 1, 2010.
11. The licensee was unable to provide the invoices for the alcoholic beverages mentioned above and/or any non-malt beverages or wine products dating back to January 2010.
12. The licensee did provide an affidavit stating that he does purchase alcoholic beverages from package stores in the area.

CONCLUSION

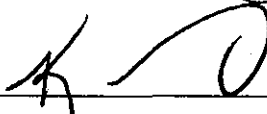
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(2). The Commission suspends the license for ten (10) days of which ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

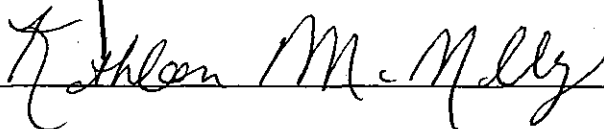
Susan Corcoran, Commissioner



Kim S. Gainsboro, Chairman



Kathleen McNally, Commissioner



Dated: November 29, 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 Investigating Officer
 Caroline Guarino-Wilichoski, Investigator
 Administration
 File