

Re: Abbondanza Restaurant, Inc.
d.b.a.: Abbondanza Restaurant
Premise: 195 Main Street
City/Town: Everett, MA 02149
License: AA Restaurant
Heard: February 10, 2009

DECISION

A Commission hearing was held to determine whether Abbondanza Restaurant, Inc. d.b.a. Abbondanza Restaurant violated Ch. 138 §12- Sale of Alcoholic Beverages off of the licensed premise, and Ch. 138 §2- Illegal storage of Alcoholic Beverages off of the licensed premise.

The licensee stipulated to the facts contained in the investigator's report dated December 3, 2008. The report states on December 3, 2008, A.B.C.C. investigators inspected the business operation of Abbondanza Restaurant, Inc. The investigators were responding to a complaint filed with the Commission. The complaint alleged the licensee built a function room in the basement of the business without the approval of the Alcoholic Beverages Control Commission. The investigators were showed a room built in the basement with a fully stocked bar with 6 stools and 40 seats for patrons at tables. The investigators informed the owner that the area was not part of the licensed premises and he would have to apply with the Everett Licensing Board to extend his licensed premise.

On Friday, December 5, 2008 A.B.C.C. investigators returned and inspected the area again. This time they found no alcoholic beverages in the unlicensed area of the building.

The Commission finds the licensee violated Ch. 138 §12- Sale of Alcoholic Beverages off of the licensed premise and **suspends the license for 2 days**. The Commission also finds the licensee violated Ch. 138 §2- Illegal storage of Alcoholic Beverages off of the licensed premise and **suspends the license for 2 days**. **The total suspension is 4 days of which 2 days will be held in abeyance for two years provided no further violations of Ch. 138 or Commission regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner _____

Susan Corcoran, Commissioner _____

Dated in Boston, Massachusetts this 9th day of March 2009.

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