

LAWSON & WEITZEN, LLP

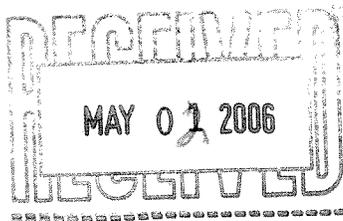
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5/5/06 - (3)

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May 1, 2006

BOS -
IS THE BOARD INTERESTED
IN STAYING THE SUSPENSION?

BY FAX 978.264.9630 and U.S. MAIL
Mr. Peter Ashton, Chairman
Board of Selectmen for the Town of Acton
472 Main Street
Acton, MA 01720

Re: *Makaha Inc.*
255 Great Road, Acton, MA

Dear Mr. Ashton:

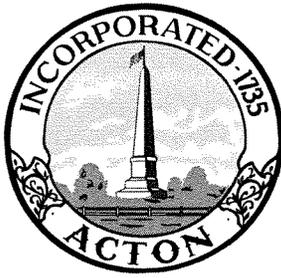
This firm represents Makaha Restaurant, the holder of an all alcoholic beverages license. I understand that the Board held a hearing last Monday, April 24, 2006, on an alleged violation by the licensee of a sale to an intoxicated person. The Licensee has not yet received any written notice of the Board's conclusions and the penalty imposed. Please be advised that Makaha Restaurant has retained us to pursue and appeal and we will timely file a Petition to Appeal with the ABCC as soon as the Statement of Reasons is issued.

We will also request that the 4 week suspension be stayed pending a decision on the appeal by the ABCC. Otherwise, the appeal would be rendered moot. Kindly let me know if the Board will agree to a stay of the suspension as soon as possible. I can be reached at 617-439-4990. Thank you.

Very truly yours,

Patricia Lang Farnsworth
Patricia Lang Farnsworth

* ALSO ADMITTED IN NY
** ALSO ADMITTED IN NH
*** ALSO ADMITTED IN CA
† ALSO ADMITTED IN DC
++ ALSO ADMITTED IN NJ & PA
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Don P. Johnson
Town Manager

May 1, 2006

Mr. Raymond Cheng
Makaha Restaurant, Inc.
255 Great Road
Acton, MA 01720

RE: License Suspension

Dear Mr. Cheng:

On April 24, 2006, the Board of Selectmen held a public hearing for you to show cause as to why the Acton Board of Selectmen should not revoke your Liquor License for gross over serving of alcoholic beverages. Subsequent to hearing testimony from you, your employee (Patrick Cheng, the bartender who served the gentleman in question) and representatives of the Acton Police Department, the Board of Selectmen chose not to revoke your License but voted unanimously to (1) suspend your Liquor License for a period of 4 weeks, or until such time as a video surveillance system acceptable to the Acton Police Chief is installed and operational, **which ever is later**, (2) to amend your Liquor License to require the proper operation of the video surveillance system and the proper retainage and storage of recordings and (3) the Acton Police Department shall randomly check the operation of the video surveillance system and the status of recordings to ensure these conditions are met.

Please turn your license in to the Police Chief by noon on May 8, 2006 to begin the suspension. You may pick up the license at noon or later on June 5, 2006 as long as the video surveillance system is operational and you have obtained written certification by the Acton Police Department as to (1) approval of the system and (2) approval of a recording storage and retainage policy.

It is your right to appeal this suspension within 5 days of receipt of this decision under (M.G.L Chapter 138 Section 67).

Very truly yours,

Don P. Johnson,
Town Manager

Enclosure:
Police Chief
ABCC