6/14/04 - (13)

TOWN OF ACTON
Town Manager's Office
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630
E-mail djohnson@town.acton.ma.us

May 26, 2004

HAND DELIVERED

Mr. Raymond Cheng, Owner/Manager
Makaha, Inc.
255 Great Road
Acton, MA 01720

Subject: Liquor Service Practices, Makaha Restaurant

Dear Mr. Cheng:

The Acton Board of Selectmen is again in receipt of notices of serious allegations that the Makaha Restaurant has improperly served alcoholic beverages. Both of these notices were received from the Middlesex District Attorney's Office, indicating that drivers who had committed motor vehicle violations, which involved driving under the influence of intoxicating liquors, had named the Makaha as the establishment where they had been served the alcohol (copies of both notices are attached). The Board of Selectmen has requested and received the Police Reports for both incidents. Copies of those reports are attached to the respective notices from the District Attorney.

Mr. Cheng, the Board of Selectmen has received many notices of this nature with respect to the liquor service practices of the Makaha. No other establishment in the Town of Acton has even approached the number of allegations and incidents of over service of alcohol that the Makaha has generated. The Selectmen have held numerous hearings with representatives of the Makaha in attempts to put safeguards in place that would prevent these continuing issues. Most recently, the Selectmen accepted constructive suggestions for sanctions from your legal counsel. These sanctions were apparently of limited value, however, since the first allegation in this package occurred on October 1, 2003, less than one year following the end of the sanctions.

The Board now considers that its previous patience and efforts in attempting to work with the Makaha to correct the continuing poor serving practices of this establishment have been ineffective. Accordingly, the Board has ordered that the owner, the manager (presumably you serve in at least one, if not both, of the capacities),

and legal counsel for the Makaha appear before the Board at 9:00 PM on Monday, June 14, 2004, to discuss and consider the possibility of a reduction in the service hours allowed under your License.

If you have any questions, please feel free to call my office at (978) 264-9612.

Very truly yours,

Don P. Johnson,
Town Manager

Cc: Frank Widmayer, Chief of Police
Board of Selectmen

Received: _____ Date: _____

Served By: _____ Date: _____