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Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

**TK BOSTON LLC D/B/A TILTED KILT
15 MIDDLESEX TURNPIKE, LOT 2
BILLERICA, MA 02766
LICENSE#: 0106-00059
VIOLATION DATE: 03/10/2017
HEARD: 08/01/2017**

TK Boston LLC d/b/a Tilted Kilt (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, August 1, 2017, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 count). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Doyle's report.

The following documents are in evidence:

1. Investigator Doyle's Investigative Report; and
 2. Licensee's Stipulation of Facts.
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- A. Licensee's Security Video Footage; and
 - B. TIPS Certificates for Employees.

There is one (1) audio recording of this hearing

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Friday, March 10, 2017, at approximately 11:45 p.m., Investigators Guarino-Wilichoski and Doyle ("Investigators") conducted an investigation of the business operation of TK Boston LLC d/b/a Tilted Kilt to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed a youthful appearing male individual who was in possession of an alcoholic beverage, engaged in a verbal argument with a group of people playing pool.
3. Investigators approached the group of individuals, identified themselves, and asked to see identification.

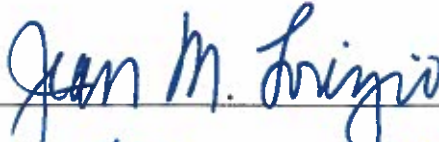
4. Underage #1, actual date of birth 6/04/1996 (age 20), was in possession of a mixed drink, rum and cola. Underage #1 stated to Investigators that he had been at the establishment approximately 5 or 6 times previously, and had never been asked for identification.
5. Investigators informed the manager on duty, Justin Rose, of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 count). Therefore, the Commission **suspends the license for a period of three (3) days of which three (3) 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

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: August 1, 2017

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.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Caroline Guarino-Wilichoski, Investigator
Joseph C. Edwards, Esq. via facsimile 978-374-6750
Administration, File