

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

425 BROADWAY, LLC
425 WEST BROADWAY
BOSTON, MA 02110
LICENSE#: 011600317
VIOLATION DATE: 03/16/2013
HEARD: 07/09/2013

425 Broadway, LLC (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, July 9, 2013, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Velez's Investigative Report dated March 16, 2013; and
3. RMV Printout for E. Chipman.

There is one (1) audio recording of this hearing.

FACTS

1. On Saturday, March 16, 2013, at approximately 9:30 p.m., Investigators Capurso and Velez investigated the business operation of 425 Broadway, LLC to determine the manner in which their business was being conducted.
2. Investigators observed a youthful appearing individual, standing near the bar, who was in possession of alcoholic beverages.
3. Investigators approached the individual, identified themselves, and asked to see proof of legal drinking age.
4. The individual identified herself as Emily Chipman, actual date of birth [REDACTED] (age 20).
5. Investigators observed Ms. Chipman in possession of a Pink Moscato alcoholic beverage.
6. Ms. Chipman stated that the doorman did not check her identification upon entry into the licensed premises.
7. Patrick Falard provided safe transportation home to Ms. Chipman.
8. Investigators informed Michael Shaw, the manager on duty, of the violation and that a report would be submitted to the Chief Investigator for action.


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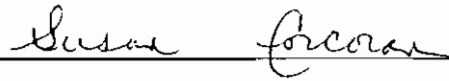
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CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 count). Therefore, the Commission **suspends the license for 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

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

DATE: July 18, 2013

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 Investigator
Nicholas Velez, Investigator
Paul Capurso, Investigator
Dennis Quilty, Esq. via fax 617-946-4624
Administration
File