

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

**DECISION**

*Kim J. Gainsboro, Esq.*  
*Chairman*

**BADOINKAS LLC DBA THE COMMON GROUND**  
**083-87 HARVARD AVE.**  
**BOSTON, MA 02121**  
**LICENSE#: 011600429**  
**HEARD: 06/05/2012**

Badoinkas LLC dba The Common Ground (the "Licensee") holds an all-alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, June 5, 2012, regarding an alleged violation of:

1. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to provide a written or printed numbered receipt when charging a cover charge; and
2. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to post an admission fee outside of the licensed premises.

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Violation Report.

The following exhibits are in evidence:

1. Investigator Temple's Report dated March 17, 2012; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Saturday, March 17, 2012 at approximately 10:05 p.m., Investigators Capurso, Wilichoski and Temple conducted an investigation of the business operation of Badoinkas LLC dba The Common Ground in order to determine the manner in which its business is conducted.
2. Investigators spoke to the doorman, Mr. Matthew Moroney, who stated that there was a five (5) dollar cover charge.
3. Investigators asked where the cover charge was posted, to which Mr. Moroney replied that it was not.
4. Investigators then spoke to Mr. Bob Oguin, who identified himself as the sole owner.
5. Mr. Oguin stated that he started charging a cover charge at 10 p.m.
6. Investigator Wilichoski asked two (2) individuals if they were charged a cover charge.
7. Both stated that they were charged five (5) dollars.

8. Investigators informed Mr. Oguin of the violations and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

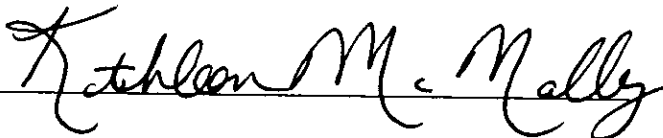
Based on the evidence, the Commission finds the licensee violated:

1. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to provide a written or printed numbered receipt when charging a cover charge; and
2. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to post an admission fee outside of the licensed premises.

Therefore, the Commission **suspends the license for one (1) day of which one (1) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

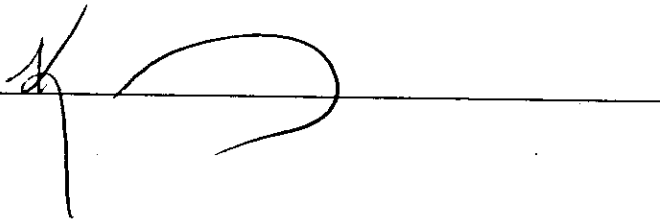
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: June 5, 2012

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  
Christopher Temple, Investigator  
Administration  
√ File