



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

September 9, 2016

BEMA RESTAURANT CORP. D/B/A PATRON'S MEXICAN KITCHEN
138 BRIGHTON AVENUE
BOSTON, MA 02134
LICENSE#: 011600243
VIOLATION DATE: 04/28/2016
HEARD: 09/06/2016

After a hearing on September 6, 2016, the Commission finds Bema Restaurant Corp. d/b/a Patron's Mexican Kitchen 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 twenty-one (21) years of age. (1 count)

The Commission suspends the license for a period of three (3) days of which one (1) day will be served, and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, November 2, 2016 and terminate on Wednesday, November 2, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 2, 2016 at 9:00 A.M. It will be returned to the licensee Thursday, November 3, 2016.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Michael Teehan, Investigator
Caroline Wilichoski, Investigator
Administration, File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Deborah B. Goldberg
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DECISION

BEMA RESTAURANT CORP. D/B/A PATRON'S MEXICAN KITCHEN
138 BRIGHTON AVENUE
BOSTON, MA 02134
LICENSE#: 011600243
VIOLATION DATE: 04/28/2016
HEARD: 09/06/2016

Bema Restaurant Corp. d/b/a Patron's Mexican Kitchen (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, September 6, 2016, 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 twenty-one (21) years of age (1 count). The above-captioned occurred on April 28, 2016 according to Investigator Teehan's report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report dated May 2, 2016.

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

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

FACTS

1. On Thursday, April 28, 2016, at approximately 11:15, Investigators Guarino-Wilichoski and Teehan ("Investigators") investigated the business operation of Bema Restaurant Corp. d/b/a Patron's Mexican Kitchen to determine the manner in which their business was being conducted.
2. While on the licensed premises, Investigators observed a female subject in possession of an alcoholic beverage, a draft beer.
3. Investigators approached the female subject and asked to see identification. Underage #1, actual date of birth 06/26/1995 (age 20) stated that she was not asked for identification when she entered the premises.

4. Investigators informed the manager on duty, Jamie Snyder, of the above violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

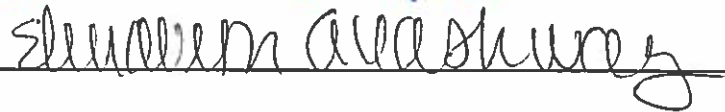
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: C. 138, §34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 count). Therefore the Commission **suspends the license for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



Elizabeth A. Lashway, Commissioner



Dated: September 9, 2016

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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