



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chair

NOTICE OF SUSPENSION

February 27, 2020

**BROAD STREET ENTERTAINMENT LLC D/B/ TIKI ROCK
1 INDIA STREET
BOSTON, MA 02109
LICENSE#: 01776-RS-0116
VIOLATION DATE: 10/31/2019
HEARD: 2/11/2020**

After a hearing on February 11, 2020, the Commission finds Broad Street Entertainment LLC d/b/a Tiki Rock 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 years of age (5 counts).

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 be served on Monday, April 13, 2020. The license will be delivered to the Local Licensing Board or its designee on Monday, April 13, 2020 at 9:00 A.M. It will be returned to the licensee on Tuesday, April 14, 2020.

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

Jean M. Lorizio
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Brian Gould, Investigator
Christopher Temple, Investigator
Daniel J. Toscano, Esq.
Administration, File



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Chair

DECISION

**BROAD STREET ENTERTAINMENT LLC D/B/ TIKI ROCK
1 INDIA STREET
BOSTON, MA 02109
LICENSE#: 01776-RS-0116
VIOLATION DATE: 10/31/2019
HEARD: 2/11/2020**

Broad Street Entertainment LLC d/b/a Tiki Rock (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, February 11, 2020, 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 years of age (5 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gould's Report.

The following documents are in evidence:

1. Investigator Gould's Investigative Report;
2. Licensee Stipulation of Facts;
3. Photocopies of Fraudulent Driver's Licenses;
4. Copy of License Transfer Approval, 9/8/2015.

There is one (1) audio recording of this hearing and six (6) witnesses testified.

FINDINGS OF FACT

1. On Thursday, October 31, 2019, at approximately 11:00 p.m., Investigators Temple and Gould ("Investigators"), conducted an investigation of the business operation of Broad Street Entertainment LLC d/b/a Tiki Rock to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed multiple youthful appearing individuals inside the bar, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 7/28/2000 (age 19) was in possession of an Elysian Night Owl beer. She presented to Investigators a fraudulent Virginia driver's license in her name but with a different birth date.
4. Underage #2, actual date of birth, 10/03/1999 (age 20), was in possession of a vodka and tonic. She presented to Investigators a fraudulent Delaware driver's license in her name but with a different birth date.
5. Underage #3, actual date of birth, 4/30/2000 (age 19), was in possession of a vodka sour. She presented to Investigators a fraudulent Colorado driver's license in her name with a different birth date.
6. Underage #4, actual date of birth, 7/26/2000 (age 19), was in possession of a vodka cranberry. She presented to Investigators a fraudulent Maine driver's license in her name with a different birth date.
7. Underage #5, actual date of birth, 3/08/2000 (age 19), was in possession of a bottle of a vodka soda. She presented to Investigators a fraudulent North Carolina driver's license in her name with a different birth date.
8. Investigators identified these underage individuals to the doormen and to the manager, Rafael Gutierrez.
9. Investigators informed Mr. Gutierrez of the above violations and that a report would be filed with the Chief Investigator for further action.
10. Nicholas Leo, Licensee, appeared at the Commission hearing and testified that he is a hands-on owner who lives nearby and spends a great deal of time at the establishment. Mr. Leo testified that he takes this issue very seriously and works hard to prevent minors from obtaining alcohol. He testified as to policies already in place to prevent such incidents, as well as steps taken to prevent similar incidents in the future. He stated that prior to this incident he had invested in a scanner which he believed to be reliable. He also already had a security company, MRB Security, in place to assist with training employees and to provide security at the licensed establishment. Since the incident on October 31, 2019, Mr. Leo testified that they have implemented a new policy and no longer accept out of state identification from patrons under 30 years of age without complete manager approval. In addition, he stated that employees have been retrained.
11. Lisa Khoury, General Manager, appeared at the Commission hearing and testified that they no longer accept out of state identification from any patrons 30 years of age or younger without full manager approval. She stated that any questionable identifications are looked at by 5 to 6 people before a decision is made.
12. Rafael Gutierrez, Assistant General Manager appeared at the Commission hearing and testified that the identifications presented by the minor patrons had scanned as legitimate.
13. Felipe Monteiro, Director of MRB Security, appeared at the Commission hearing and testified about the services his company provides the Licensee. He stated that his team has trained the Licensee's staff as to how to best assess identification. He testified that the

scanner is used as a secondary means of checking an identification, after an employee first assesses the person presenting the identification and the identification itself. He testified that his team also works with the Licensee's employees at the premises during business hours to assist with all facets of security.

14. Christopher Alexander, an employee of MRB Security, appeared at the Commission hearing and testified that he was working on the night of October 31, 2019 and was positioned to watch over the employees who were checking identification. He reiterated that their practice is to first assess the person and their identification before using the scanner.

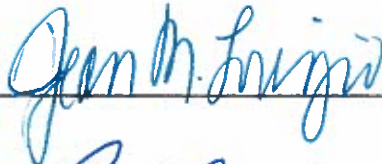
15. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015 with no prior violations.

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 years of age (5 counts). 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

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: February 27, 2020

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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