

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

MILE 22, INC. DBA CITYSIDE AT THE CIRCLE
1958-1 BEACON ST
BOSTON, MA 02135
LICENSE#: 011600042
VIOLATION DATE: 03/15/2013
HEARD: 06/11/2013

Mile 22, Inc. dba Cityside at the Circle (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, June 11, 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 twenty-one (21) years of age (1 Count). The above captioned occurred on March 15, 2013, according to Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Report dated March 15, 2013;
 2. New York State Driver's License for Jenna Provenzano; and
 3. Photo of Underage Victoria Provenzano.
- A. Book of IDs Confiscated by the Licensee;
 - B. Stack of IDs Confiscated by the Licensee;
 - C. Stack of IDs Confiscated by the Licensee;
 - D. Two Fraudulent Passport Photos from Irish and Ireland J-1 Visas.

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

FACTS

1. On Friday, March 15, 2013, at approximately 9:30 p.m., Investigators Guarino and Kelleher investigated the licensed premises of Mile 22, Inc. dba Cityside at the Circle to determine the manner in which their business was being conducted.
2. Investigators' attention was drawn to a group of youthful looking individuals, seated at a table in the lounge area, in possession of alcoholic beverages.
3. Investigators approached the group, identified themselves, and asked to see proof of legal drinking age.
4. Investigators observed Victoria Provenzano, actual date of birth [REDACTED] (age 20) in possession of a Long Island Ice Tea fish bowl.

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5. Victoria Provenzano presented investigators with an ID in the name of Jenna Provenzano, date of birth [REDACTED] (age 25).
6. Victoria stated that the identification was her sister's, and that she had presented it to the door man to gain entrance.
7. Victoria further stated that she and her three friends (who were confirmed to be of legal age to consume alcoholic beverages), had shared a "Long Island Iced Tea" flavored "fish bowl."
8. Investigators observed a fishbowl on the table with approximately four straws in it.
9. Investigators presented the fraudulent identification and the underage individual to the manager on duty, Rory Trunkhill.
10. Investigators advised Mr. Trunkhill that a report would be submitted to the Chief Investigator for review.

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 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.**

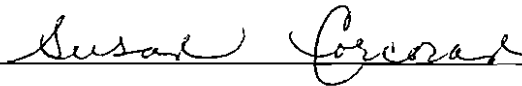
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



DATE: June 19, 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
Tara Kelleher, Investigator
Caroline Guarino, Investigator
Administration
File