



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

October 25, 2019

E.R. ENTERPRISES LLC D/B/A SAVVOR RESTAURANT & LOUNGE
174-180 LINCOLN STREET
BOSTON, MA 02111
LICENSE#: 0116-01435
VIOLATION DATE: 9/29/2018
HEARD: 8/20/2019

After a hearing on August 20, 2019, the Commission finds E.R. Enterprises LLC d/b/a Savor Restaurant & Lounge violated 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (9 counts).

The Commission **suspends the license for a period of nine (9) days of which three (3) days will be served and six (6) 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 Monday, December 16, 2019 and terminate on Wednesday, December 18, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, December 16, 2019 at 9:00 A.M. It will be returned to the Licensee on December 19, 2019.

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.

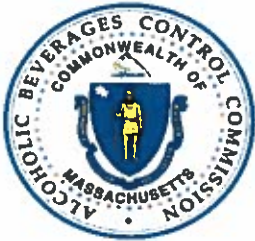
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Joseph Di Cicco, Investigator
Rose Bailey, Investigator
Brad Doyle, Investigator
Mark Kenny, Investigator
William A. Kelley, Esq.
Administration, File



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**E.R. ENTERPRISES LLC D/B/A SAVVOR RESTAURANT & LOUNGE
174-180 LINCOLN STREET
BOSTON, MA 02111
LICENSE#: 0116-01435
VIOLATION DATE: 9/29/2018
HEARD: 8/20/2019**

E.R. Enterprises LLC d/b/a Savor Restaurant & Lounge (the "Licensee" or "Savor") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, August 20, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (9 counts)¹. The above mentioned occurred on September 29, 2018 according to Investigator Di Cicco's report.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Amended Investigative Report;
2. Photocopy of Minors' Identifications;
3. Picture of Genuine Identification of Underage #1;
4. Picture of Genuine Identification of Underage #2;
5. Picture of Genuine Identification of Underage #3;
6. Picture of Genuine Identification of Underage #4;
7. Picture of Genuine Identification of Underage #5;
8. Picture of Genuine Identification of Underage #6;

¹ At the Commencement of the hearing, the alleged violation of M.G.L. Ch. 138, § 34C was amended from 10 counts to nine counts.

9. ABCC Decision, 6/18/2018;
 10. Copy of Licensee's Transfer Application Approved 9/6/2013
 11. Photographs of Outside the Licensed Premises;
 12. Photographs of Inside the Licensed Premises;
 13. Licensee's Stipulation to the Facts of the Investigator's Report.
- A. Article Press Release, 10/1/2018, on website of the Office of the Treasurer and Receiver General;
 - B. Article Press Release 10/1/2018, on website of the Commonwealth of Massachusetts;
 - C. Affidavit of Keith Keady.

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

FINDINGS OF FACT

1. On Saturday, September 28, 2018, at approximately 5:30 p.m., Investigators Bailey, Doyle, Kenny, and Di Cicco ("Investigators") along with Chief Investigator Mahony, conducted an investigation of the business operation of E.R. Enterprises LLC d/b/a Savvor Restaurant & Lounge to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators observed youthful appearing individuals in possession of alcoholic beverages.
3. Investigators Di Cicco and Kenny observed three youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
4. Underage #1, actual date of birth 3/21/1999 (age 19), was in possession of a vodka soda. She presented to Investigators a fraudulent Texas driver's license.
5. Underage #2, actual date of birth 1/10/1998 (age 20), was in possession of a vodka soda. She presented to Investigators a fraudulent Colombian identification.
6. Underage #3, actual date of birth 5/2/1998 (age 20), was in possession of a vodka soda. She presented to Investigators a fraudulent Colombian identification.
7. Investigators Di Cicco and Kenny also observed another group of youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
8. Underage #4, actual date of birth 5/01/2000 (age 18), was in possession of and consuming beer and Antiqueno Aguardiente. She presented to Investigators a fraudulent Colombian driver's license.
9. Underage #5, actual date of birth 5/25/2000 (age 18), was in possession of and consuming beer and Antiqueno Aguardiente.
10. Underage #6, actual date of birth 11/30/1999 (age 19), was in possession of and consuming beer and Antiqueno Aguardiente.

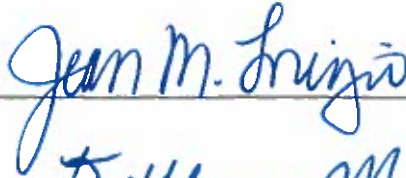
11. Underage #7, age 19, was in possession of and consuming beer and Antiqueno Aguardiente. Investigators were unable to obtain his full date of birth before he departed the licensed premises.
12. Investigators Bailey and Doyle observed a youthful appearing individual in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
13. Underage #8, actual date of birth 1/23/1998 (age 20), was in possession of can of a vodka mixed drink. She presented to Investigators a fraudulent Colombian identification.
14. Chief Mahony observed two youthful appearing individuals in possession of alcoholic beverages. Mahony identified himself and asked to see proof of legal age.
15. Underage #9, actual date of birth 4/29/1999 (age 19), was in possession of vodka and Red Bull energy drink.
16. Unidentified female (UF1), age 19, informed Mahony that she did not have any identification with her and that she was not asked for identification upon entering the licensed premises. Before Chief Mahony could gather any further information, the UF1 abruptly departed from the premises.
17. Investigators spoke to Eddie Firmin, one of the owners. Mr. Firmin informed Investigators that he had hired a promotion company for the event that was being held that evening.
18. Investigators showed Firmin and staff members the fraudulent identifications. Investigators informed Firmin of the violations, and that a report would be filed.
19. At the hearing Attorney William Kelley, Counsel for the Licensee, made an oral motion to the Commission for a finding of no violation. The Commission has considered the motion and DENIES it.

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. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (9 counts). Therefore, the Commission **suspends the license for a period of nine (9) days of which three (3) days will be served and six (6) 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



Kathleen McNally, Commissioner



Dated: October 25, 2019

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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