



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

**Jean M. Lorizio, Esq.**  
*Chairman*

NOTICE OF SUSPENSION

March 11, 2026

**FENWAY JOHNNIE'S LLC D/B/A FENWAY JOHNNIE'S  
96-98 BROOKLINE AVENUE  
BOSTON, MA 02215  
LICENSE#: 04077-RS-0116  
VIOLATION DATE: 10/26/2024  
HEARD: 9/02/2025**

After a hearing on September 2, 2025, the Commission finds Fenway Johnnie's LLC d/b/a Fenway Johnnie's 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 (21) years of age (2 Counts).

**The Commission suspends the license for a period of four (4) days to be served.**

**The suspension shall commence on Monday, April 27, 2026, and terminate on Thursday, April 30, 2026.** The license will be delivered to the Local Licensing Board or its designee on Monday, April 27, 2026, at 9:00 A.M. It will be returned to the licensee on Friday, May 1, 2026.

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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2024-000208-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brian Gould, Investigator  
Nicole Smith, Investigator  
Micheal Teehan, Investigator  
Administration, File



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
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**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**FENWAY JOHNNIE'S LLC D/B/A FENWAY JOHNNIE'S  
96-98 BROOKLINE AVENUE  
BOSTON, MA 02215  
LICENSE#: 04077-RS-0116  
VIOLATION DATE: 10/26/2024  
HEARD: 9/02/2025**

Fenway Johnnie's LLC d/b/a Fenway Johnnie's ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Tuesday, September 2, 2025, regarding an alleged violation of 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 (21) years of age (2 Counts)<sup>1</sup> which occurred on October 26, 2024, according to Investigator Gould's Report.

The following documents are in evidence:

1. Violation Report of Investigator B. Gould;
2. ABCC Application Summary Review, License Transfer Approved 5/08/2018;
3. Photograph of Fraudulent Identification;
4. ABCC Decision, 2/3/2023;
5. ABCC Decision, 5/2/2023
6. ABCC Decision, 1/14/2025;
7. ABCC Decision, 3/12/2025.

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

**FINDINGS OF FACT**

1. On Saturday, October 26, 2024, at approximately 5:40 p.m., Investigators Teehan and Gould ("Investigators") inspected the business operation of Fenway Johnnie's LLC d/b/a Fenway Johnnie's ("Licensee" or "Fenway Johnnies"). (Testimony, Exhibit 1)

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<sup>1</sup> The Investigative Report of B. Gould as well as the hearing notice cited 3 counts of a violation of 204 CMR 2.05(2) to wit: M.G.L. c. 138, § 34C. At the commencement of the Commission hearing, the Investigation and Enforcement Division withdrew one count.

2. Upon entering the licensed premises, Investigators observed youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and requested proof of legal age to possess alcoholic beverages. Id.
3. Underage #1, actual date of birth 4/24/2005 (age 19), was in possession of a draft beer. He presented to Investigators an imposter New York driver's license bearing a birth date of 11/07/2022. (Testimony, Exhibits 1, 3)
4. Underage #2, actual date of birth 8/21/2004 (age 20), was in possession of a Miller Lite draft beer. Underage #2 provided to Investigators his true Minnesota driver's license. (Testimony, Exhibit 1)
5. Investigators informed the manager on duty of the violations and that a report would be submitted to the Chief Investigator for review. Id.
6. The Licensee has held a license under M.G.L. c. 138, § 12 since 2018 with multiple prior violations. (Exhibits 2, 4, 5, 6, 7)
7. John Caron, Licensee, appeared at the Commission hearing. (Commission Records)

#### DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was "enacted ... to serve the public need and ... to protect the common good." M.G.L. c. 138, § 23. "[T]he purpose of discipline is not retribution, but the protection of the public." Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given "comprehensive powers of supervision over licensees." Connolly, 334 Mass. at 617.

The Licensee is charged with a violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: chapter 138, § 34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age. A Commission regulation promulgated at 204 CMR 2.05(2) provides in pertinent part, that "[n]o licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not." The law is well-settled that 'under the regulation, [204 C.M.R. 2.05(2)] the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is "bound at his own peril to keep within the condition of his license." Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm'n, 11 Mass. App. Ct. 785, 788 (1981); Commonwealth v. Gould, 158 Mass. 499, 507 (1893). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. The licensee is responsible for illegalities that occur on the licensed premises. Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Comm'n, 19 Mass. App. Ct. 1026, 1027 (1985).

Massachusetts General Laws, Chapter 138, § 34C states, in pertinent part, that: "Whoever, being under twenty-one years of age and not accompanied by a parent or legal guardian, knowingly possesses any alcohol or alcoholic beverages, shall be punished." M.G.L. c. 138, § 34C.

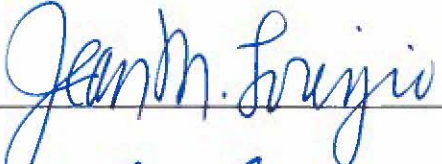
Direct evidence was provided through the eye-witness testimony of Investigators Gould and Teehan who observed patrons younger than twenty-one years of age who were in possession of alcoholic beverages on the licensed premises. (Testimony)

The Commission is persuaded and finds that the Licensee committed a violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premise, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one years of age (2 counts).

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: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts). As a result, the Commission **suspends the license for a period of 4 days.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio, Chairman 

Crystal Matthews, Commissioner 

Deborah Baglio, Commissioner 

Dated: March 11, 2026

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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