

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

DECISION

KITTY O'SHEA'S, INC. DBA FLANN O'BRIEN'S
1619 TREMONT STREET
BOSTON, MA 02114
LICENSE#: 011600770
VIOLATION DATE: 09/06/2013
HEARD: 11/26/2013

Kitty O'Shea's, Inc. dba Flann O'Brien's (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, November 26, 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 21 years of age (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
 2. Investigator Temple's Investigative Report dated September 6, 2013;
 3. Color Photocopy of Québec [Canada] Driver's License for C. Domsodi;
 4. Photocopy (front and back) of Québec [Canada] Driver's License for C. Domsodi; and
 5. Québec [Canada] Driver's License for C. Domsodi.
- A. DVD of Licensee Carding Patrons at the Entrance;
 - B. Licensee's Policy for Checking Patron's Identification; and
 - C. Photocopies of Boston Police Department's Inspection Notices during 2013 Indicating No Violation Found.

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

FACTS

1. On Friday, September 6, 2013, at approximately 8:40 p.m., Investigators Kenny, Guarino-Wilichoski, and Temple conducted an investigation of the business operation of Kitty O'Shea's, Inc. dba Flann O'Brien's to determine the manner in which its business was being conducted.
2. Investigators observed six youthful looking individuals seated to the right of the entrance, facing the bar.
3. Investigators approached the male individuals who were in possession of alcoholic beverages.
4. Investigators asked all the individuals for proof of age.

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5. One male individual, Christopher Domsodi, provided investigators with a fraudulent identification. Mr. Domsodi's actual date of birth is [REDACTED] (age 19).
6. Investigator Wilichoski observed Mr. Domsodi in actual possession of a Blue Moon bottle of beer.
7. Mr. Domsodi stated that he provided a fraudulent identification when he entered the licensed premises. That identification gave his date of birth [REDACTED] (age 23).
8. Investigators asked to speak to the manager on duty but were told that there was no manager on duty.
9. Investigators identified the underage patron to the waitress, Maria Fullerton, and informed her of the violation and 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 21 years of age (1 count). As the licensee has had no violations in more than ten (10) years, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: November 29, 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
Christopher Temple, Investigator
Caroline Guarino, Investigator
Dennis Quilty, Esq. via facsimile 617-946-4624
Administration
File