



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

May 25, 2022

GAINSBOROUGH HOSPITALITY INC. D/B/A TWO SAINTS TAVERN/DOS DIABLOS
52 GAINSBOROUGH ST.
BOSTON, MA 02115
LICENSE#: 03501-RS-0116
VIOLATION DATE: 2/17/2022
HEARD: 4/12/2022

After a hearing on April 12, 2022, the Commission finds Gainsborough Hospitality Inc. d/b/a Two Saints Tavern/Dos Diablos 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 (1 count).

The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, July 18, 2022, and terminate on Tuesday, July 19, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, July 18, 2022, at 9:00 A.M. It will be returned to the Licensee on Wednesday, July 20, 2022.

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
Nicole Smith, Investigator
Alicia Cutter, Investigator
Robert Gardner, Investigator
Michael Teehan, Investigator
Nicole Terasconi, Investigator
Nicholas Velez, Investigator
Dennis A. Quilty, Esq.
Administration, File



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DECISION

GAINSBOROUGH HOSPITALITY INC. D/B/A TWO SAINTS TAVERN/DOS DIABLOS
52 GAINSBOROUGH ST.
BOSTON, MA 02115
LICENSE#: 03501-RS-0116
VIOLATION DATE: 2/17/2022
HEARD: 4/12/2022

Gainsborough Hospitality Inc. d/b/a Two Saints Tavern/Dos Diablos (the "Licensee") 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, April 12, 2022, 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 (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Report;
2. ABCC Application Summary Review, License Transfer Approved, 7/17/2017;
3. ABCC Decision 7/19/2019;
4. Photograph of Vermont Driver's License;
5. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, February 17, 2022, at approximately 10:10 p.m., Investigators Cutter, Gardner, Teehan, Terasconi, Velez, and Smith, along with Chief Investigator Mahony, ("Investigators") conducted an inspection of the business operation of Gainsborough Hospitality Inc. d/b/a Two Saints Tavern/Dos Diablos.
2. Investigators observed a youthful appearing female individual in possession of what appeared to be an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 3/10/2001 (age 20), acknowledged she was in possession of an alcoholic mixed drink. She presented to Investigators a Vermont Driver's License. Investigators did not believe the woman pictured on the license was the individual before them. When Investigators requested Underage #1 provide them with her signature, she admitted the Vermont driver's license was not hers and provided her true information.
4. Investigators informed Charles Hitchcock, the Licensee and Manager of Record, of the above violation, and that a report would be filed with the Chief Investigator for review.
5. Mr. Hitchcock appeared at the Commission hearing and testified he takes the service of alcohol to minors very seriously. He has an Advanced Id Scanner which he constantly updates. Mr. Hitchcock testified he is constantly training employees as well. He stated he learned through comments on social media that his establishment has a reputation as being difficult for minors to obtain alcohol. Mr. Hitchcock stated he believes he and his staff are doing everything possible to prevent minors from obtaining alcohol and explained in this situation he believed the minor presented a relative's license.
6. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with one prior violation.

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 (1 count). Therefore, the Commission **suspends the license for a period of two (2) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman

Jean M. Lorizio

Crystal Matthews, Commissioner

Crystal Matthews

Deborah Baglio, Commissioner

Deborah A Baglio

Dated: May 25, 2022

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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2022-000028-ad-enf

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