



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

July 19, 2019

**GAINSBOROUGH HOSPITALITY INC. D/B/A OUR HOUSE EAST
52 GAINSBOROUGH ST.
BOSTON, MA 02115
LICENSE#: 0116-03501
VIOLATION DATE: 3/28/2019
HEARD: 7/16/2019**

After a hearing on July 16, 2019, the Commission finds Gainsborough Hospitality Inc. d/b/a Our House East 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 (8 counts).

The Commission **suspends the license for a period of twelve (12) days of which four (4) days will be served and eight (8) 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, September 2, 2019 and terminate on Thursday, September 5, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, September 2, 2019 at 9:00 A.M. It will be returned to the Licensee on Friday, September 6, 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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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Michael Teehan, Investigator
Dennis Keefe, Investigator
Administration, File



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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DECISION

GAINSBOROUGH HOSPITALITY INC. D/B/A OUR HOUSE EAST
52 GAINSBOROUGH ST.
BOSTON, MA 02115
LICENSE#: 0116-03501
VIOLATION DATE: 3/28/2019
HEARD: 7/16/2019

Gainsborough Hospitality Inc. d/b/a Our House East (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, July 16, 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 (8 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
 2. Licensee Stipulation of Facts;
 3. Photocopy of Fraudulent Driver's Licenses;
 4. Licensee's Application.
- A. Licensee's Receipt for Purchase and Contract for Identification Scanner.

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

FINDINGS OF FACT

1. On Thursday, March 28, 2019, at approximately 11:05 p.m., Investigators Keefe and Teehan ("Investigators") conducted an investigation of the business operation of Gainsborough Hospitality Inc. d/b/a Our House East to determine the manner in which its business was being conducted.

2. While on the licensed premises, Investigators observed eight individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 12/24/1999 (age 20), was in possession of a Long Island Iced Tea mixed drink. He informed Investigators that he had presented a fraudulent California driver's license to gain entry to the licensed premises.
4. Underage #2, actual date of birth 7/6/1999 (age 19), was in possession of a vodka and tonic water. She informed Investigators that she had presented a fraudulent Connecticut driver's license to gain entry to the licensed premises.
5. Underage #3, actual date of birth 2/12/1999 (age 20), was in possession of a vodka and tonic water. She informed Investigators that she had presented a fraudulent Connecticut driver's license to gain entry to the licensed premises.
6. Underage #4, actual date of birth 7/26/1998 (age 20), was in possession of a vodka and Sprite® soda. She informed Investigators that she had presented a Massachusetts driver's license in another's name to gain entry to the licensed premises. Investigators determined that the identification provided was not the individual before them. The female individual before them had lighter hair color, and her chin, nose, cheeks, and forehead differed from that of the person on the identification.
7. Underage #5, actual date of birth 11/20/1998 (age 20), was in possession of a vodka and Coke® soda. She informed Investigators that she had presented a fraudulent Pennsylvania driver's license to gain entry to the licensed premises.
8. Underage #6, actual date of birth 8/31/1999 (age 20), was in possession of a vodka and cranberry[juice]. She informed Investigators that she had presented a fraudulent Florida driver's license to gain entry to the licensed premises.
9. Underage #7, actual date of birth 2/15/2000 (age 19), was in possession of a vodka and cranberry[juice]. She informed Investigators that she had presented a fraudulent Maine driver's license to gain entry to the licensed premises.
10. Underage #8, actual date of birth 12/10/1999 (age 19), was in possession of a vodka and cranberry[juice]. She informed Investigators that she had presented a fraudulent Maine driver's license to gain entry to the licensed premises.
11. Investigators observed three additional youthful individuals in possession of alcoholic beverages. The additional underage patrons each presented to Investigators a Massachusetts driver's license in their own name. Investigators determined that the Licensee reasonably relied on these identifications and therefore, Investigators did not charge any additional violations.
12. Investigators informed the manager, Charles Hitchcock, of the above violations, and that a report would be filed with the Chief Investigator for further action.

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 (8 counts). Therefore, the Commission **suspends the license for a period of twelve (12) days of which four (4) days will be served and eight (8) 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

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: July 19, 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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