



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 6, 2019

**GSTH INVESTMENT GROUP LLC D/B/A THE BIJOU
51 STUART ST.
BOSTON, MA 02116
LICENSE#: 0116-00720
VIOLATION DATE: 4/06/2019
HEARD: 7/09/2019**

After a hearing on July 9, 2019, the Commission finds GSTH Investment Group LLC d/b/a The Bijou 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 (3 counts).

The Commission suspends the license for a period of three (3) days to be served.

By decision dated April 26, 2018, the Commission had previously ordered a 14-day license suspension of which three (3) days were served and eleven (11) days were held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Commission, in its discretion, hereby orders that 11-day suspension to be served on and after the three (3) days. The Licensee will serve a total fourteen (14) days.

The suspension shall commence on Monday, January 6, 2020 and terminate on Thursday, January 19, 2020. The license will be delivered to the Local Licensing Board or its designee on Monday, January 6, 2020 at 9:00 A.M. It will be returned to the Licensee on Monday, January 20, 2020.

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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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
Joseph Di Cicco, Investigator
R. Bailey, J. Carey, B. Doyle, D. Keefe, Investigators
Stephen V. Miller, Esq.
Administration, File



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DECISION

**GSTH INVESTMENT GROUP LLC D/B/A THE BIJOU
51 STUART ST.
BOSTON, MA 02116
LICENSE#: 0116-00720
VIOLATION DATE: 4/06/2019
HEARD: 7/09/2019**

GSTH Investment Group LLC d/b/a The Bijou (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 9, 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 (3 counts). 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. ABCC Decision, 4/26/2018;
 3. Local Board Decision, 12/15/2016;
 4. Copy of Licensee's Transfer Application approved 1/19/2010; and
 5. Licensee Stipulation of Facts
- A. Licensee's Identification Scanner Print-Out;
B. Licensee's Surveillance Video.

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

At the close of the hearing, the Commission left the record open until July 23, 2019, for the Licensee to possibly submit additional exhibits. The Licensee did not submit any documents and did not request an extension. Therefore, the record is now closed.

FINDINGS OF FACT

1. On Saturday, April 6, 2019, at approximately 7:20 p.m., Investigators Bailey, Carey, Doyle, Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of GSTH Investment Group LLC d/b/a The Bijou to determine the manner in which its business was being conducted and to investigate a complaint received with this Commission.
2. While entering the licensed premises, Investigators observed a booth of four youthful appearing female individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age. One of the four females was of legal drinking age.
3. Underage #1, actual date of birth 7/23/1999 (age 19), was in possession of a prosecco mixed drink. She informed Investigators that she was not asked for identification to gain entry to the licensed premises nor when she ordered the alcoholic beverage.
4. Underage #2, actual date of birth 9/21/1998 (age 20), was in possession of a prosecco mixed drink. She informed Investigators that she was not asked for identification to gain entry to the licensed premises nor when she ordered the alcoholic beverage.
5. Underage #3, actual date of birth 4/09/1999 (age 19), was in possession of prosecco mixed drink. She informed Investigators that she was in possession of a fraudulent foreign identification but that she was not asked for any identification to gain entry to the licensed premises nor when she ordered the alcoholic beverage.
6. Investigators were later joined by Investigators Teehan, Velez, and Chief Mahony.
7. During the investigation, Investigators made contact with staff members James Driscoll, Jamie Giorgio, and owner George Aboujaoude, and informed them of the violations.
8. Giorgio informed Investigators that as the licensed premises is a restaurant, they usually do not check identifications at the door until 10:00 p.m.
9. Investigators made contact with a server, Erin P. who served the underage patrons. Erin admitted to Investigators that she did not request identification from the youthful underage individuals when the drinks were ordered or served.
10. Driscoll and Giorgio informed Investigator Di Cicco and Chief Mahony that the doorman informed them that he had checked identifications for the female minors.
11. Giorgio testified at the Commission hearing that Erin did not request identification because it had already been checked by the door staff.
12. Mr. Aboujaoude informed Investigators Di Cicco and Chief Mahony that he had also followed up with the doorman. The doorman told Mr. Aboujaoude that the female minors had presented to him Texas identifications stating each was 21 years or older.
13. The three minors presented fraudulent Texas identifications to gain entry to the licensed premises.

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 (3 counts). Therefore, the Commission suspends the license for three (3) days to be served.

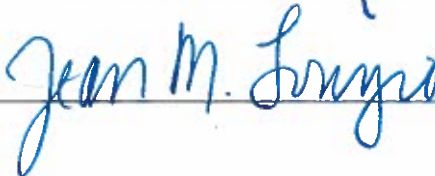
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ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Dated: November 6, 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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