

Jean M. Lorizio, Esq.
Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

NOTICE OF SUSPENSION

April 26, 2018

**GSTH INVESTMENT GROUP LLC D/B/A BIJOU
51 STUART STREET
BOSTON, MA 02116
LICENSE# 0116-00720
VIOLATION DATE: 10/12/2017
HEARD: 3/06/2018**

After a hearing on March 6, 2018, the Commission finds GSTH Investment Group LLC d/b/a Bijou violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 counts).

The Commission suspends the license for a period of fourteen (14) days of which three (3) days will be served, and eleven (11) 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 Wednesday, June 13, 2018 and terminate on Friday, June 15, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 13, 2018 at 9:00 A.M. It will be returned to the Licensee on June 16, 2018.

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.

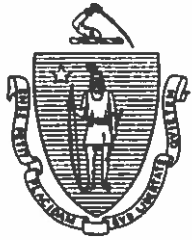
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script that reads "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Michael Teehan, Investigator
Lisa (Lordan) Watson, Investigator
Stephen V. Miller, Esq.
Administration, File



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DECISION

**GSTH INVESTMENT GROUP LLC D/B/A BIJOU
51 STUART STREET
BOSTON, MA 02116
LICENSE# 0116-00720
VIOLATION DATE: 10/12/2017
HEARD: 3/06/2018**

GSTH Investment Group LLC d/b/a Bijou (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, March 6, 2018, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 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 Investigative Report;
2. Licensee's Stipulation of Facts;
3. Photocopy of Fraudulent Identifications.

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

The Commission took Administrative Notice of the Licensee's record. The Commission left the record open for 30 days so that the Licensee might submit additional records from its identification scanner. The 30-days have passed. The Licensee did not submit any documents and did not request an extension. Therefore, the record is now closed.

FINDINGS OF FACT

1. On Thursday, October 12, 2017, at approximately 11:45 p.m., Investigators Teehan, Lordan, and Di Cicco, along with Chief Investigator Mahony ("Investigators"), conducted an investigation of the business operation of GSTH Investment Group LLC d/b/a Bijou to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators observed youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 10/09/1997 (age 20) was in possession of a vodka tonic drink. She stated to Investigators that she had used her true identification to gain entry to the licensed premises and she knows people at the premises who let her in.
4. Underage #2, actual date of birth 7/31/1997 (age 20) was in possession of a mixed alcoholic beverage. She presented Investigators with a fraudulent Republic of Honduras driver's license which she had used to gain entry to the premises.
5. Underage #3, actual date of birth 1/18/1998 (age 19) was in possession of a vodka and Red Bull energy drink. She stated to Investigators that she had used her true identification to gain entry to the licensed premises.
6. Underage #4, actual date of birth 1/22/1999 (age 19) was in possession of a vodka mixed drink. She presented Investigators with a fraudulent Republic of Ecuador identification which she had used to gain entry to the premises.
7. Investigators identified the underage patrons to the Licensee's staff. Staff members informed Investigators that they would ensure safe transport home for these underage individuals.
8. Investigators informed the staff of the violations and that a report would be filed with the Commission 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. c. 138, § 34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 counts). Therefore, the Commission **suspends the license for a period of fourteen (14) days of which three (3) days will be served, and eleven (11) days 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 Elizabeth A. Lashway

Kathleen McNally, Commissioner Kathleen McNally

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: April 26, 2018

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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