

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

Sloven Grossman
Treasurer and Receiver General

Kim J. Gainstoro, Esq.
Chairman

DECISION

JAJB, INC. DBA TAVERN IN THE SQUARE
161 BRIGHTON AVE.
BOSTON, MA 02134
LICENSE#: 011600139
HEARD: 06/12/2012

JAJB, Inc. dba Tavern in the Square (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, June 12, 2012, regarding an alleged violation of:

1. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to provide a written or printed numbered receipt when charging a cover charge; and
2. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to post an admission fee outside of the licensed premises.

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Violation Report.

The following exhibits are in evidence:

1. Investigator Temple's Report dated March 17, 2012; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Saturday, March 17, 2012 at approximately 9:45 p.m., Investigators Capurso, Wilichoski and Temple conducted an investigation of the business operation of JAJB, Inc. dba Tavern in the Square in order to determine the manner in which its business is conducted.
2. Investigators spoke to the doorman who stated that there was a five (5) dollar cover charge.
3. Investigators asked where the cover charge was posted, to which the doorman replied that it was not.
4. Investigators then asked if the licensee provided a written or printed receipt for the cover charge.
5. The doorman stated that he had run out of tape to print receipts.
6. Investigators then spoke to Mr. Shawn Ahern, who identified himself as the manager on duty.

7. While investigators informed Mr. Ahern of the violations, they observed a male individual stumbling and hanging onto the shoulder of another male individual while exiting the licensed premises.
8. Investigators issued a warning to Mr. Ahern regarding service to intoxicated individuals.
9. Investigators informed Mr. Ahern that a violation report would be submitted to the Chief Investigator for review.

CONCLUSION

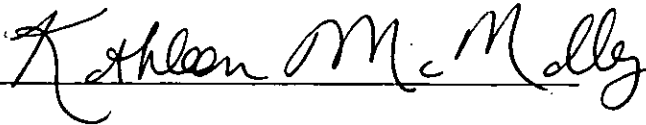
Based on the evidence, the Commission finds the licensee violated:

1. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to provide a written or printed numbered receipt when charging a cover charge; and
2. 204 CMR 2.05 (2), to wit: 204 CMR 2.16 Failure to post an admission fee outside of the licensed premises.

Therefore, the Commission **suspends the license for one (1) day of which one (1) day 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

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner



Dated: June 12, 2012

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
Administration
File