

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

AMENDED NOTICE OF SUSPENSION

January 18, 2012

JOHNNIE'S ON THE SIDE LLC DBA JOHNNIE'S ON THE SIDE
138 PORTLAND STREET
BOSTON, MA 02114
LICENSE#: 011600637
HEARD: 12/6/2011

After a hearing on December 6, 2011, the Commission finds Johnnie's on the Side LLC dba Johnnie's on the Side in violation of M.G.L. c.138, §34C.

The Commission **suspends the licensee's license for a total of three (3) days to be served**. The suspension shall commence on **Wednesday, February 8, 2012 and terminate on Friday, February 10, 2012**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 8, 2012 at 9:00 A.M. It will be returned to the licensee Saturday, February 11, 2012.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino-Wilichoski, Investigator
Administration
File



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NOTICE OF SUSPENSION

January 3, 2012

JOHNNIE'S ON THE SIDE LLC DBA JOHNNIE'S ON THE SIDE
138 PORTLAND STREET
BOSTON, MA 02114
LICENSE#: 011600637
HEARD: 12/6/2011

After a hearing on December 6, 2011, the Commission finds Johnnie's on the Side LLC dba Johnnie's on the Side in violation of M.G.L. c.138, §34C.

The Commission **suspends the licensee's license for a total of three (3) days to be served**. The suspension shall commence on **Wednesday, February 8, 2012 and terminate on Friday, February 10, 2012**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 8, 2012 at 9:00 A.M. It will be returned to the licensee Thursday, December 11, 2012.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

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ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino-Wilichoski, Investigator

1/3/12



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

DS

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

**JOHNNIE'S ON THE SIDE LLC DBA JOHNNIE'S ON THE SIDE
138 PORTLAND STREET
BOSTON, MA 02114
LICENSE#: 011600637
HEARD: 12/6/2011**

Johnnie's on the Side LLC dba Johnnie's on the Side (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 6, 2011, regarding an alleged violation of M.G.L. c.138, §34C. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Caroline Guarino-Wilichoski's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Guarino-Wilichoski's Report dated August 22, 2011; and
3. RMV Printout of Under Aged Individual.

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

FACTS


1. On August 20, 2011, at approximately 1:30 a.m., Commission investigators Capurso and Guarino-Wilichoski conducted an Enhanced Liquor Enforcement Operation in the City of Boston.
2. The investigators investigated the business operation of Johnnie's on the Side LLC dba Johnnie's on the Side to determine the manner in which its business was conducted.
3. Investigators entered the licensed premises and observed a youthful looking female patron at the bar in possession of a Red Bull and vodka.
4. Investigators approached the female individual and identified themselves.
5. Investigators asked the female patron to see proof of age.
6. The female patron produced a counterfeit New Jersey driver's license stating she was twenty-one (21) years old.
7. Investigators observed that the female patron was in possession of a fraudulent identification.
8. Investigators spoke with the head doorman and he admitted he accepted the counterfeit New Jersey driver's license as proof of age to gain access to the establishment.
9. Investigators asked the under aged female patron if she was asked for proof of ID by the bartender prior to service of alcoholic beverage.

10. The under aged female patron stated she was not asked for proof of age.
11. The female patron then produced her real ID which verified she was underage.
12. Investigators notified the manager on duty of the violation.
13. Investigators informed the manager a violation report would be submitted to the Chief Investigator for review.
14. Investigators returned to the establishment to continue to check IDs for proof of age.
15. Investigators observed another youthful looking female patron and requested proof of age.
16. The second youthful looking female patron stated she did not have her ID with her.
17. The second youthful female patron was argumentative with the investigators.
18. During the conversation between investigators and the second female patron, another staff member verbally harassed the investigators.
19. The investigators concluded their conversation with the second youthful female patron.
20. The investigators exited the premises.
21. The investigators informed the head doorman that a staff member had hindered their investigation.
22. The staff member was called over, and continued to aggressively harass the investigators.
23. The staff member was immediately fired in the presence of the investigators.
24. Administrative review indicates the licensee has had the license for approximately four (4) years, with a violation in 2011.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34C. Therefore, the Commission **suspends the license for six (6) days of which three (3) days will be served and three (3) 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

Susan Corcoran, Commissioner 

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

Kim S. Gainsboro, Chairman 

Dated: January 3, 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
 Caroline Guarino-Wilichoski, Investigator
 Administration
 File