



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

September 13, 2016

METRO DINING, INC. D/B/A THE DRAFT
32 HARVARD AVE.
BOSTON, MA 02134
LICENSE#: 011600424
VIOLATION DATE: 04/21/2016
HEARD: 09/06/2016

After a hearing on September 6, 2016, the Commission finds Metro Dining, Inc. d/b/a The Draft 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 (5 Counts).

The Commission suspends the license for a period of twenty-one (21) days of which seven (7) days will be served, and fourteen (14) 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, November 2, 2016 and terminate on Tuesday, November 8, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 2, 2016 at 9:00 A.M. It will be returned to the licensee Wednesday, November 9, 2016.

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



Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
C. Temple, J. Di Cicco, Investigators
Carolyn Conway, Esq. via facsimile 617-657-5947
Administration, File



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Department of the State Treasurer
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DECISION

METRO DINING, INC. D/B/A THE DRAFT
32 HARVARD AVE.
BOSTON, MA 02134
LICENSE#: 011600424
VIOLATION DATE: 04/21/2016
HEARD: 09/06/2016

Metro Dining, Inc. d/b/a The Draft (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, September 6, 2016, 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 (5 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated April 21, 2016; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Thursday, April 21, 2016, at approximately 11:30 p.m., Investigators Temple, Di Cicco, and Velez ("Investigators") investigated the business operation of Metro Dining, Inc. d/b/a The Draft to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and observed a group of youthful appearing individuals, in possession of alcoholic beverages, who were standing near the dance floor. Investigators identified themselves to the group and requested to see proof of legal drinking age.

3. Underage #1, actual date of birth of 09/21/1997 (age 18) was in possession of a pitcher of Miller Lite beer. Underage #1 presented Investigators with a false Connecticut driver's license.
4. Underage #2, actual date of birth 04/05/1997 (age 19) provided Investigators with a false New York driver's license. She admitted to possessing a vodka and Red Bull energy drink.
5. Underage #3, actual date of birth 04/01/1997 (age 19) provided Investigators with a false Ohio driver's license. He admitted to possessing a Bud Light draft beer.
6. Underage #4, actual date of birth 11/27/1996 (age 19) stated he was in possession of a pitcher of Coors Light beer. Underage #4 stated that he had paid the doorman \$50.00 to enter the licensed premises with his friend. His friend, Underage #5, actual date of birth 11/25/1996 (age 19) was in possession of a pitcher of Coors Light beer.
7. Investigators spoke to the night manager on duty, Raji Pine, and identified the underage individuals to him.
8. Investigators informed Mr. Pine of the 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. C. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (5 Counts). Therefore the Commission **suspends the license for a period of twenty-one (21) days of which seven (7) days will be served, and fourteen (14) 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



Kathleen McNally, Commissioner



Dated: September 13, 2016

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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