



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**MILE 22 INC. D/B/A CITYSIDE AT THE CIRCLE
1958-61 BEACON STREET
BOSTON, MA 02135
LICENSE#: 00042-RS-0116
VIOLATION DATE: 11/21/2019
HEARD: 03/10/2020**

Mile 22 Inc. d/b/a Cityside at the Circle (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a hearing on Tuesday, March 10, 2020, 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 (10 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
2. Licensee Stipulation of Facts;
3. Copy of License Transfer Approval, September 23, 2008;
4. ABCC Decision, June 19, 2013;
5. Copy of (9) Fraudulent driver's licenses.

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

FINDINGS OF FACT

1. On Thursday, November 21, 2019, at approximately 10:05 p.m., Investigators Gould and Teehan ("Investigators") conducted an investigation of the business operation of Mile 22 Inc. d/b/a Cityside at the Circle to determine the manner in which its business was being conducted.
2. While on 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 7/24/2001 (age 18), was in possession of a Bud Light draft beer. He presented to Investigators a fraudulent New York driver's license in his own name with a different date of birth, which he had used to gain entry into the premises.
4. Underage #2, actual date of birth 1/28/2000 (age 19), was in possession of a Bud Light draft beer. He presented to Investigators a fraudulent California driver's license in his own name with a different date of birth, which he had used to gain entry into the premises.
5. Underage #3, actual date of birth 3/01/2001 (age 18), was in possession of a Bud Light draft beer. He presented to Investigators a fraudulent Delaware driver's license in his own name with a different date of birth, which he had used to enter the licensed premises.
6. Underage #4, actual date of birth 4/09/2001 (age 18), was in possession of a Bud Light draft beer. He presented to Investigators a fraudulent Idaho driver's license in his own name with a different date of birth, which he had used to gain entry to the licensed premises.
7. Underage #5, actual date of birth 5/19/2000 (age 19), was in possession of a vodka and cranberry mixed drink. She presented to Investigators a Massachusetts driver's license bearing her sister's name and date of birth, which she used to enter the licensed premises. Investigators determined that the identification provided did not match the individual before them. The chin, nose, cheeks, and forehead of Underage #5 differed from the picture on the identification.
8. Underage #6, actual date of birth 12/08/1999 (age 19), was in possession of a Moscow Mule mixed drink. She presented to Investigators an imposter Maryland driver's license bearing the name and date of birth of another person, which she used to gain entry into the licensed premises.
9. Underage #7, actual date of birth 4/16/2000 (age 19), was in possession of a spiked seltzer water. She presented to Investigators a Massachusetts driver's license bearing her sister's name and date of birth, which she had used to enter the licensed premises.
10. Underage #8, actual date of birth 11/14/1999 (age 20), was in possession of a spiked seltzer water. She stated to Investigators that she was not asked for any identification when she entered the licensed premises.
11. Underage #9, actual date of birth 11/16/2001 (age 18), was in possession of a Corona beer. She presented to Investigators a fraudulent Maine driver's license in her own name with a different date of birth, which she used to enter the licensed premises.
12. Underage #10, actual date of birth 6/08/2001 (age 18), was in possession of a rum and Coke® mixed drink. He presented to Investigators a fraudulent Pennsylvania driver's license in his own name with a different date of birth, which he had used to gain entry to the premises.
13. Investigators informed the manager, Seth Delury, of the violations and that a report would be filed with the Chief Investigator for further action.

14. The Licensee appeared at the Commission hearing and informed the Commission that a 3rd party security company had been hired approximately a year prior to this incident. The company had been hired to provide scanning equipment, security personnel and door staff.
15. The security company was immediately terminated after this incident and all Licensee employees were re-trained.
16. The Licensee has held a license under M.G.L. c. 138, § 12 since 2008 with one prior violation in 2013.

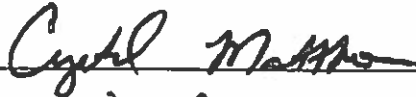
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 (10 Counts). Therefore, the Commission **suspends the license for a period of four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

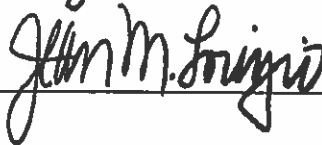
Given the current state of emergency in the Commonwealth, as declared by Governor Baker on March 10, 2020, pursuant to the powers provided in Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, and the following order issued by Governor Baker on March 15, 2020 prohibiting section 12 licensees from providing on-premises service, the Commission hereby orders that two (2) days of the 4-day suspension are deemed served. Two (2) days remain 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

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: May 11, 2020

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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
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
Michael Teehan, Investigator
Brian Gould, Investigator
Robert Allen, Esq.
Administration, File