

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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

OUR SYMPHONY 8 INC. DBA SYMPHONY 8/SIANSA
10A WESTLAND AVE.
BOSTON, MA 02115
LICENSE # 011600849
HEARD 1/24/2012

Our Symphony 8 Inc. dba Symphony 8/Siansa (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, January 24, 2012, regarding an alleged violation of M.G.L. c. 138 §34 (3 counts). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Mark Kenny's Report.

The following documents are in evidence:

Commission Exhibits

1. Investigator Kenny's Investigative Report dated September 30, 2011; and
2. Licensee's Stipulation of Facts.

Licensee Exhibits

- A. Advanced ID Detections Card

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

FACTS

1. On Friday, September 30, 2011, at approximately 12:45: a. m., Chief Investigator Mahony, along with Investigators Kenny and Teehan, investigated the business operation of Our Symphony 8 Inc. dba Symphony 8/Siansa.
2. Investigators entered the premises and observed youthful looking individuals in possession of alcoholic beverages.
3. Investigators identified themselves and asked the individuals for identification.
4. The information recorded indicated the individuals were under twenty-one (21) years of age.
5. The female individual, date of birth May 6, 1992, age nineteen (19), was in possession of a fake California Driver's License.
6. The first male individual, date of birth June 19, 1991, age twenty (20), was in possession of a fake New York Driver's License.
7. The second male individual, date of birth February 19, 1991, age twenty (20), was in possession of a fake New Jersey Driver's License.

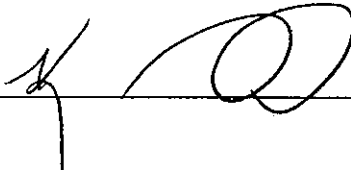
8. Each underage individual was in possession of a draft beer.
9. Investigators spoke with the manager on duty, Ashley Forsyth, and informed her that a report would be filed with the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §34 (3 counts). Therefore, the Commission **suspends the license for ten (10) days which 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

Kim S. Gainsboro, Chairman



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

Susan Corcoran, Commissioner



Dated: January 24, 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
Mark Kenny, Investigator
Dennis A. Quilty, Esq. via facsimile
Administration
File