

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 17, 2017

**PAGA, INC. D/B/A NICK'S VENU
100 WARRENTON ST.
BOSTON, MA 02116
LICENSE#: 0116-00791
VIOLATION DATE: 06/04/2016
HEARD: 11/14/2017**

After a hearing on November 14, 2017, the Commission finds Paga, Inc. d/b/a Nick's Venu 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 (1 count).

Therefore, the Commission **suspends the license for three (3) 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.**

By decision dated February 26, 2016, the Commission had previously ordered a twenty-four (24) day suspension with eight (8) days to be served, and sixteen (16) days held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. Based on the violation found above, the Licensee violated the conditions of that sixteen (16) day suspension being held in abeyance. The Commission hereby orders that 16-day suspension to be served. The Licensee will serve a total sixteen (16) days.

The suspension shall commence on Wednesday, January 10, 2018 and terminate on Thursday, January 25, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 10, 2018 at 9:00 A.M. It will be returned to the Licensee on January 26, 2018.

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



Jean M. Lorizio
Chairman

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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
N. Velez, J. Carey, Investigators
William A. Kelley, Esq.
Administration, File



Jean M. Lorizio, Esq.
Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

DECISION

**PAGA, INC. D/B/A NICK'S VENU
100 WARRENTON ST.
BOSTON, MA 02116
LICENSE#: 0116-00791
VIOLATION DATE: 06/04/2016
HEARD: 11/14/2017**

Paga, Inc. d/b/a Nick's Venu (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, November 14, 2017, 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 (1 count).

Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Keefe's report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report;
2. Licensee's Stipulation of Facts; and
3. Photocopy of Fraudulent Identifications.

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

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

FINDINGS OF FACT

1. On Saturday, June 4, 2016, at approximately 1:20 a.m., Chief Mahony, Investigators Velez, Carey, Kujawski, and Keefe ("Investigators") conducted an investigation of the business operation of Paga, Inc. d/b/a Nick's Venu to determine the manner in which its business was being conducted.
2. While Chief Mahony and Investigator Carey remained at the main entrance of the establishment, Investigators Velez, Kujawski, and Keefe entered the licensed premise.

Investigators observed a youthful appearing female individual in possession of an alcoholic beverage.


3. Investigators approached the youthful appearing female, identified themselves, and asked for proof of legal age.
4. Underage #1, actual date of birth 1/26/1996 (age 20) placed her alcoholic beverage on the bar. She stated she was 20 years old and had not been asked for any identification when she entered the premises.
5. Investigators took possession of the alcoholic beverage and escorted the underage out of the establishment.
6. When the Underage female opened her purse to obtain her identification, Investigators could plainly see two IDs and asked to see both of them.
7. The Underage female presented Investigators with two fraudulent identifications. She admitted that she did show one of the identifications to the staff located at the front door of the premises to gain entry to the club. Investigators took possession of the fraudulent identifications.
8. Underage stated that she was in possession of a vodka and soda water.
9. Investigators informed the manager of record, William Robertson, of the above violation 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 (1 count). Therefore, the Commission **suspends the license for three (3) 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.**

By decision dated February 26, 2016, the Commission had previously ordered a twenty-four (24) day suspension with eight (8) days to be served, and sixteen (16) days held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. Based on the violation found above, the Licensee violated the conditions of that sixteen (16) day suspension being held in abeyance. The Commission hereby orders that 16-day suspension to be served. The Licensee will serve a total sixteen (16) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: November 17, 2017

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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
N. Velez, J. Carey, Investigators
William A. Kelley, Esq.
Administration, File