

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

**Jean M. Lorizio, Esq.**

*Chairman*

**DECISION**

**PAGA, INC. D/B/A NICK'S VENU**  
**100 WARRENTON ST.**  
**BOSTON, MA 02116**  
**LICENSE#: 0116-00791**  
**VIOLATION DATE: 10/26/2019**  
**HEARD: 9/15/2021**

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 ("Commission" or "ABCC") held a remote hearing via Microsoft Teams on Wednesday, September 15, 2021, 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 (4 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in the Investigative Reports.

The following documents are in evidence:

1. Investigator Velez's Report;
2. Investigator Temple's Report;
3. Investigator Guarino Wilichoski's Report;
4. Photocopy of Fraudulent Identifications Possessed by two Underage Male Patrons;
5. Photocopy of Fraudulent Identification Possessed by Underage Male Patron;
6. Photographs of Genuine Identification Possessed by Underage Female Patron, Fraudulent Identification Possessed by Underage Female Patron and Alcoholic Beverage Possessed by Underage Female Patron;
7. ABCC License Transfer Application Approved, 6/28/1994;
8. ABCC Decision, 11/17/2017;
9. ABCC Decision, 2/26/2016;
10. ABCC Decision, 1/11/2007;
11. ABCC Decision, 4/27/1995;
12. City of Boston Decision, 1/12/2017;
13. City of Boston Decision, 6/23/2016;
14. City of Boston Decision, 3/16/2006;
15. Licensee's Stipulation of Facts.

The Commission took Administrative Notice of ABCC Advisories dated 3/19/2021 and 5/20/2021.

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

At the outset of the hearing, Counsel for the Licensee made a motion to consolidate the three matters before the Commission, which all occurred on the same date. The Commission allowed said Motion.

### FINDINGS OF FACT

1. On Saturday, October 26, 2019, at approximately 12:15 a.m., Investigators Kenny, Teehan, Temple, Wilichoski and Velez, along with Chief Investigator Mahony ("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 on the licensed premises, Investigators' attention was drawn to two youthful appearing male individuals, in possession of alcoholic beverages, standing near the bar. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 6/6/1999 (age 20), was in possession of a vodka and cranberry mixed drink. He presented to Investigators a European Driving Permit in another person's name.
4. Underage #2, actual date of birth 7/29/1999 (age 20), was in possession of a vodka and cranberry mixed drink. He presented to Investigators a European Driving Permit in his own name with a different birth date.
5. The underage individuals were provided safe transportation home.
6. Investigators spoke to Bill Robertson, Manager of Record, and provided him with the fraudulent identifications. Investigators informed Mr. Robertson of the violations and that a report would be filed with the Chief Investigator for review.
7. Investigators Kenny and Temple observed a group of youthful appearing individuals, near the bar to the right of the dance floor, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
8. Underage #3, actual date of birth 10/07/1999 (age 20), was in possession of a whiskey and Coke®. He presented to Investigators an Indian Union driver's license in his name with a different birth date. He stated he used the fraudulent identification to gain entry to the premises.
9. Investigators presented the fraudulent identification to Mr. Robertson.
10. Investigators informed Mr. Robertson of the additional violation and that a report would be filed with the Chief Investigator for further review.
11. Investigator Wilichoski observed several youthful appearing females enter the ladies' rest room in possession of alcoholic beverages. Investigator Wilichoski entered the ladies' rest room, identified herself and asked to see proof of legal age.
12. Underage #4, actual date of birth 2/04/2000 (age 19) was in possession of a vodka and cranberry mixed drink. She stated to Investigator Wilichoski that a friend had given her

the mixed drink. She presented a counterfeit Colombian identification. When informed that the identification was counterfeit, she provided her true Costa Rica identification card.

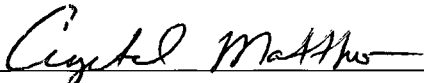
13. Investigators presented the fraudulent identification to Mr. Robertson.
14. Investigators informed Mr. Robertson of a third violation and that a report would be filed with the Chief Investigator for further review.
15. Mr. Robertson appeared at the Commission hearing and testified as to the establishment's closure for seventeen months as a result of the Governor's declared public health emergency and subsequent executive orders.
16. The Licensee has held a license under M.G.L. c. 138, § 12 since 1994 with numerous prior violations.

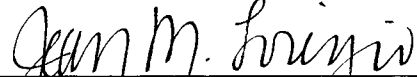
### CONCLUSION

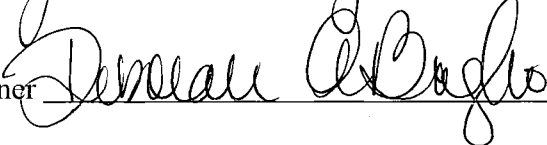
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 counts). Therefore, the Commission **suspends the license for a period of ten (10) days which are hereby deemed served.**

**By decision dated November 17, 2017, the Commission ordered a three (3) day suspension, which was 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 Commission, in its discretion, hereby orders that the 3-day suspension be imposed and is hereby deemed served.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Jean M. Lorizio, Chairman 

Deborah A. Baglio, Commissioner 

Dated: December 8, 2021

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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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Mark Kenny, Investigator  
Michael Teehan, Investigator  
Christopher Temple, Investigator  
Nicholas Velez, Investigators  
Caroline Wilichoski, Investigator  
William A. Kelley, Esq.  
Administration, File