



*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

May 15, 2018

**PAINTED HOUSE LLC D/B/A THE WONDER BAR
186 HARVARD AVE.
BOSTON, MA 02134
LICENSE#: 011600428
VIOLATION DATE: 12/02/2017
HEARD: 4/10/2018**

After a hearing on April 10, 2018, the Commission finds Painted House LLC d/b/a The Wonder Bar 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 (total of 8 counts).

The Licensee will serve a total of three 6-day suspensions, each 6-day suspension to be served concurrently and will have a total of **19 days held in abeyance for a period of 2 years provided no further violations of Chapter 138 or Commission Regulations occur.**

The suspension shall commence on Wednesday, June 27, 2018 and terminate on Monday, July 2, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 27, 2018 at 9:00 A.M. It will be returned to the Licensee on July 3, 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.

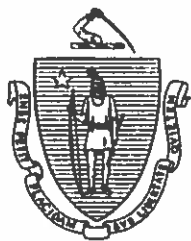
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script, appearing to read "Jean M. Lorizio".

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
Nicholas Velez, Investigator
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Lisa (Lordan) Watson, Investigator
Robert L. Allen, Esq.
Administration, File



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DECISION

**PAINTED HOUSE LLC D/B/A THE WONDER BAR
186 HARVARD AVE.
BOSTON, MA 02134
LICENSE#: 0116-00428
VIOLATION DATE: 12/02/2017
HEARD: 4/10/2018**

Painted House LLC d/b/a The Wonder Bar (the "Licensee" or "Wonder Bar") 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, April 10, 2018, regarding alleged violations 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 (8 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in the three Investigative Reports.

The following documents are in evidence:

1. Investigative Reports from Investigators Di Cicco, Lordan, and Velez;
2. Licensee's Stipulation of Facts; and
3. Photocopy of Fraudulent Licenses.

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

The Commission took Administrative Notice of the Licensee's record. At the beginning of the hearing, Counsel for the Licensee made a motion to consolidate the three violation reports to be heard as one matter, which the Commission allowed.

FINDINGS OF FACT

Investigator Velez's Violation Report:

1. On Saturday, December 2, 2017, at approximately 6:00 p.m., Investigators Keefe, Velez, Lordan, and Di Cicco, with Chief Investigator Mahony, ("Investigators"), conducted an investigation of the business operation of Painted House LLC d/b/a The Wonder Bar to determine the manner in which its business was being conducted.
2. While on the premises, Investigators observed a group of youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal drinking age.
3. Underage #1, actual date of birth 6/21/1999 (age 18) was in possession of a mixed drink, a Long Island Iced Tea. She presented to Investigators a false license from the Republic of Colombia.
4. Underage #2, actual date of birth 3/31/1999 (age 18) was in possession of a vodka and Red Bull energy drink. He stated to Investigators that he was not asked for any identification when he entered the premises because he had ordered a table.
5. Underage #3, actual date of birth 2/2/1999 (age 18) was in possession of a Corona beer. He presented to Investigators a false Puerto Rico driver's license.
6. As Investigators checked the identifications of this group of individuals at the table, they observed a number of youthful appearing patrons exited the licensed premises.
7. Investigators spoke to the owner, Noah Eisendrath, and identified the underage individuals to him.
8. Investigators informed Mr. Eisendrath of the violations and that a report would be filed with the Chief Investigator for further review.

Investigator Di Cicco's Report:

9. On Saturday, December 2, 2017, at approximately 6:00 p.m., Investigators Keefe, Velez, Lordan, and Di Cicco, with Chief Investigator Mahony, ("Investigators"), conducted an investigation of the business operation of Painted House LLC d/b/a The Wonder Bar to determine the manner in which its business was being conducted.
10. While on the premises, Investigators observed a group of youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal drinking age.
11. Underage #1, actual date of birth 10/20/1997 (age 20) was in possession of a mixed vodka drink. She presented to Investigators a false license and false identification card from the Republic of Colombia.
12. Underage #2, actual date of birth 3/22/1999 (age 18) was in possession of a vodka and soda water. He presented to Investigators a false identification card from the Republic of Colombia.
13. Investigators spoke to the owner, Noah Eisendrath, and identified the underage individuals to him.

14. Investigators informed Mr. Eisendrath of the violations and that a report would be filed for further review.

Investigator Lordan's Report:

15. On Saturday, December 2, 2017, at approximately 6:00 p.m., Investigators Keefe, Di Cicco, Velez, and Lordan, with Chief Investigator Mahony, ("Investigators"), conducted an investigation of the business operation of Painted House LLC d/b/a The Wonder Bar to determine the manner in which its business was being conducted.
16. While on the premises, Investigators observed a group of youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal drinking age.
17. Underage #1, actual date of birth 3/19/1999 (age 18) was in possession of a mixed drink, vodka and cranberry. He presented to Investigators a fraudulent license from the Republic of Colombia.
18. Underage #2, actual date of birth 4/28/1999 (age 18) was in possession of a vodka and Sprite®. He presented to Investigators a fraudulent identification card from the Republic of Colombia.
19. Underage #3, actual date of birth 6/4/1998 (age 19) was in possession of a mixed drink, a tequila sunrise. She presented to Investigators a fraudulent Florida driver's license.
20. As Investigators checked the identifications of this group of individuals, they observed a number of youthful appearing patrons exited the licensed premises.
21. Investigators spoke to the owner, Noah Eisendrath, and identified the underage individuals to him.
22. Investigators informed Mr. Eisendrath of the violations and that a report would be filed for further review.

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 (3 counts) in Investigator Velez's Report. Therefore, the Commission **suspends the license for a period of 15 days of which 6 days will be served, and 9 days will be held in abeyance for a period of 2 years provided no further violations of Chapter 138 or Commission Regulations occur.**

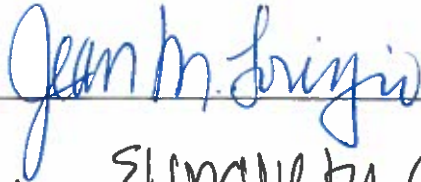
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts) in Investigator Di Cicco's Report. Therefore, the Commission **suspends the license for a period of 8 days of which 6 days will be served, and 2 days will be held in abeyance for a period of 2 years provided no further violations of Chapter 138 or Commission Regulations occur. The 6-day suspension will be served concurrently with suspension imposed for the violation found in the Velez report.**

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 (3 counts) in Investigator Lordan's Report. Therefore, the Commission **suspends the license for a period of period 14 days of which 6 days will be served, and 8 days will be held in abeyance for a period of 2 years provided no further violations of Chapter 138 or Commission Regulations occur. The 6-day suspension will be served concurrently with suspension imposed for the violation found in the Velez report and in the Di Cicco report.**

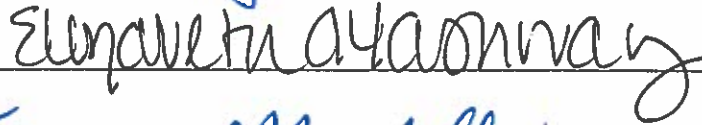
The Licensee will serve a total of three 6-day suspensions, each 6-day suspension to be served concurrently and will have a total of **19 days held in abeyance for a period of 2 years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

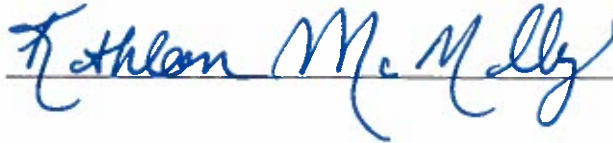
Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: May 15, 2018

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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