

*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

June 26, 2018

**THE WINE BAR LLC D/B/A 49 SOCIAL
49 TEMPLE PLACE
BOSTON, MA 02111
LICENSE#: 0116-01373
VIOLATION DATE: 4/26/2018
HEARD: 6/19/2018**

After a hearing on June 19, 2018, the Commission finds The Wine Bar LLC d/b/a 49 Social 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).

The Commission suspends the license for a period of seven (7) days of which two (2) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, August 15, 2018 and terminate on Thursday, August 16, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 15, 2018 at 9:00 A.M. It will be returned to the Licensee on August 17, 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.

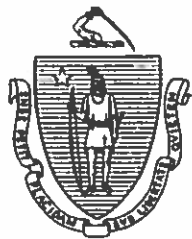
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Joseph Di Cicco, Investigator
George R. Jabour, Esq. via facsimile 781-326-8222
Administration, File



Jean M. Lorizio, Esq.
Chairman

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DECISION

THE WINE BAR LLC D/B/A 49 SOCIAL
49 TEMPLE PLACE
BOSTON, MA 02111
LICENSE#: 0116-01373
VIOLATION DATE: 4/26/2018
HEARD: 6/19/2018

The Wine Bar LLC d/b/a 49 Social (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, June 19, 2018, 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 (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report; and
2. Licensee's Stipulation of Facts.

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

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

FINDINGS OF FACT

1. On Thursday, April 26, 2018, at approximately 11:05 p.m., Investigators Di Cicco and Keefe ("Investigators") conducted an investigation of the business operation of The Wine Bar LLC d/b/a 49 Social to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed two youthful looking individuals in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 10/13/1997 (age 20) was in possession of Sangria [wine]. She presented to Investigators a fraudulent Brazilian driver's license. She stated that she was not asked for any identification because she used to work at the establishment.

4. Underage #2, actual date of birth 8/25/1998 (age 19) was in possession of Sangria [wine]. She presented to Investigators a fraudulent Haitian driver's license. She stated that she was not asked for any identification.
5. Investigators spoke to the manager, Thiago Soares, and informed him of the violations and that a report would be filed with the Chief Investigator for 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 (2 counts). Therefore, the Commission **suspends the license for a period of seven (7) days of which two (2) days will be served and five (5) days 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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: June 26, 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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