

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

January 4, 2012

A.T.G., INC DBA CLERY'S
335 COLUMBUS AVENUE
BOSTON, MA 02110
LICENSE #: 011600229
HEARD: 12/6/ 2011

After a hearing on December 6, 2011, the Commission finds A.T.G., Inc. dba Clery's in violation of M.G.L. c.138, §34.

The Commission **suspends the licensee's license for a total of four (4) days to be served.** The suspension shall commence on **Wednesday, February 1, 2012 and terminate on Saturday, February 4, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 1, 2012 at 9:00 A.M. It will be returned to the licensee Sunday, February 5, 2012.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Paul Capurso, Investigator
✓ Louis A. Cassis, Esq. via facsimile
Administration
File



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DECISION

A.T.G., INC DBA CLERY'S
335 COLUMBUS AVENUE
BOSTON, MA 02110
LICENSE #: 011600229
HEARD: 12/6/ 2011

A.T.G., Inc. dba Clery's (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, December 6, 2011, regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Paul Capurso's Report.

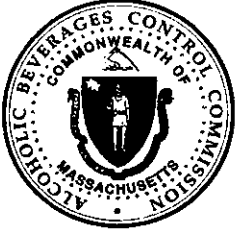
The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigative Report of Paul Capurso dated August 20, 2011; and
3. RMV Printout of Under-Aged Individual.

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

FACTS

1. On Saturday August 20, 2011 at approximately 12:05am Investigators Keefe, Capurso, Bailey, Guarino, and Chief Inspector Mahony entered the premises of A.T.G., Inc. dba Clery's, to determine the manner in which its business was conducted.
2. Investigators observed a youthful looking male patron, seated at a table, and in possession of an alcoholic beverage.
3. Investigators Guarino and Capurso approached the patron and identified themselves.
4. Investigators asked to see proof of age.
5. The male patron stated he did not have his identification as he had left his ID in his coat pocket.
6. Investigator Guarino asked the patron to walk to the front entrance.
7. As the patron walked to the front entrance, he attempted to run away.
8. Investigator Capurso detained the patron.
9. The patron then cooperated with investigators and supplied his Massachusetts driver's license indicating that he was nineteen (19) years old.
10. The male patron stated the drink in his possession was vodka and soda.
11. The male patron stated he entered the premises using a fake Virginia driver's license.



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The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigative Report of Brad Doyle dated August 6, 2011; and
3. RMV printout of underage individual.

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

FACTS

1. On Saturday, August 6, 2011 at approximately 12:00a.m., Investigators Capurso, Bailey and Doyle investigated the business operation of A.T.G., Inc. dba Clery's to determine the manner in which its business was conducted.
2. In the downstairs area of the premises, Investigators noticed a male patron leaning against the wall with his eyes closed.
3. Investigators observed the male individual take his cell phone out of his pocket.
4. The male patron swayed to his right, to his left and then lost his balance and fell on the floor.
5. Investigators helped the male patron to his feet.
6. Employees then helped the patron up the stairs and outside the premises.
7. Investigators spoke to the patron who stated he had been at the premises since approximately 9:00p.m.
8. The male individual stated he consumed approximately six (6) beers and two (2) or three (3) shots, which he could not identify.
9. The manager on duty was present while investigators spoke with the patron.
10. The manager arranged and paid for a cab to take the patron to his home.
11. Investigators did not witness additional service.