



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 3, 2023

**FENWAY JOHNNIE'S LLC
96-98 BROOKLINE AVENUE
BOSTON, MA 02215
LICENSE#: 04077-RS-0116
VIOLATION DATE: 4/08/2022
HEARD: 7/26/2022**

After a hearing on July 26, 2022, the Commission finds Fenway Johnnie's LLC violated 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 (11 Counts). The Commission **suspends the license for a period of 6 days to be served.**

The suspension shall commence on Monday, March 6, 2023, and terminate on Sunday, March 12, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, March 6, 2023, at 9:00 A.M. It will be returned to the licensee on March 12, 2023.

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

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicholas Velez, Investigator
Jack Carey, Investigator
John David, Investigator
Brian Gould, Investigator
Caroline Guarino, Investigator
Dennis Keefe, Investigator
Nicole Terasconi, Investigator
Frederick G. Mahony, Chief Investigator
Seamus L. O'Kelly, Esq.
Administration, File



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DECISION

**FENWAY JOHNNIE'S LLC
96-98 BROOKLINE AVENUE
BOSTON, MA 02215
LICENSE#: 04077-RS-0116
VIOLATION DATE: 4/08/2022
HEARD: 7/26/2022**

Fenway Johnnie's LLC ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, July 26, 2022, regarding alleged violations¹ of:

- 1) 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 (11 Counts);
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 94 §186 - Falling Below the Standard of Purity.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Report;
2. Licensee's Commission File;
3. Photograph of Fraudulent Identifications Licenses Confiscated from Underage Individuals in Possession of Alcoholic Beverages;
4. Fraudulent Identifications Confiscated at the Entrance of Licensed Premises;
5. Photograph of Bottles of Alcoholic Beverages with Fruit Flies;
6. Screen Shot of Lovethrillco's Instagram Post;
7. Licensee's Stipulation of Facts.

¹ The Investigator's Report and Commission's hearing notice included a third violation, M.G.L. Ch. 138, § 23 Transfer of the privilege of a license without proper approval. This third violation was withdrawn by the Enforcement Division at the commencement of the hearing.

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

FINDINGS OF FACT

1. On Friday April 8, 2022, at approximately 10:00 p.m., Investigators Carey, Keefe, David, Gould, Terasconi, Wilichoski, and Velez, along with Chief Investigator Mahony (“Investigators”) inspected Fenway Johnnie’s LLC (“Licensee”) to determine the manner in which its business was being conducted.
2. Investigators observed a large crowd of youthful appearing individuals on the sidewalk and in the street outside of the licensed premises. Investigators entered the licensed premises and observed approximately 150 youthful appearing individuals.
3. Investigators Terasconi and Velez observed two youthful appearing male individuals in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
4. Underage #1, actual date of birth 2/28/2003 (age 19), was in possession of a Miller Lite beer and stated to Investigators that he was not asked for identification.
5. Underage #2, actual date of birth 3/18/2003 (age 19), was in possession of a Miller Lite beer and stated to Investigators that he was not asked for identification.
6. Investigators Terasconi and Velez observed a youthful appearing female individual in possession of what appeared to be an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
7. Underage #3, actual date of birth 5/27/2003 (age 18), was in possession of a Bud Lite beer.
8. Investigators observed a youthful appearing female individual in possession of what appeared to be an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
9. Underage #4, actual date of birth 12/12/2002 (age 19), was in possession of a vodka and Red Bull mixed drink. She informed Investigators she had presented a fraudulent New York driver’s license in her own name with a different birth date when entering the establishment.
10. Investigators David and Gould observed a group youthful appearing individuals in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
11. Underage #5, actual date of birth 8/31/2003 (age 18), was in possession of a rum and Coke® mixed drink. He informed Investigators he did not have any identification with him.
12. Underage #6, actual date of birth 2/01/2003 (age 19), was in possession of a High Noon hard seltzer. She informed Investigators she presented a fraudulent Arizona driver’s license in her own name with a different birth date when entering the establishment.

13. Underage #7, actual date of birth 8/08/2002 (age 19), was in possession of a High Noon hard seltzer. She informed Investigators she presented a fraudulent Delaware driver's license in her own name with a different birth date when entering the establishment.
14. Underage #8, actual date of birth 12/17/2002 (age 19), was in possession of a High Noon hard seltzer. She informed Investigators she presented a fraudulent New Hampshire driver's license in her own name with a different birth date when entering the establishment.
15. Investigator Terasconi observed a youthful appearing male individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
16. Underage #9, actual date of birth 4/12/2003 (age 18), was in possession of a Long Island Iced Tea mixed drink. He informed Investigators he presented a fraudulent Connecticut driver's license in another's name with a different birth date when entering the licensed premises.
17. Investigator Terasconi observed a youthful appearing female individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
18. Underage #10, actual date of birth 3/06/2003 (age 19), was in possession of a vodka and soda mixed drink. She informed Investigators she presented a fraudulent New York driver's license in her own name with a different birth date when entering the premises.
19. Investigator Terasconi observed a youthful appearing female individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
20. Underage #11, actual date of birth date 1/22/2003 (age 19), was in possession of a White Claw hard seltzer. She informed Investigators she presented a fraudulent New Jersey driver's license in her own name with a different birth date when entering the premises.
21. Investigators Carey and Wilichoski inspected the bar area and observed three bottles of alcoholic beverages which contained fruit flies and foreign matter floating inside. Investigators confiscated the bottles as evidence: 1-liter Bacardi Genuine Spiced Rum; 1-liter Bulleit Bourbon, and 1-liter of Crown Royal Canadian whisky.
22. Chief Mahony spoke with Gar McLean, the manager of the licensed premises, and John Caron, Licensee. He informed them of the violations and that a report would be submitted to the Commission for a hearing.
23. Mr. Caron, Licensee, appeared at the Commission hearing along with Mr. McLean.
24. Mr. McLean testified as to the Licensee's use of a scanner and their policy to request and scan the identification of every person who enters the licensed premises. Mr. McLean stated that since this night, the Licensee has been more vigilant asking for back-up identification, even 2nd and 3rd backups. He stated employees go so far as to ask prospective

patrons to open their social media page. Mr. McLean estimated there were between 125 and 150 bottles of liquor behind the bar. He testified bottles are capped every night and they had just cleaned the bar 3 days prior, so all bottles were clear at that point. He stated bottles are inspected daily and a service company comes in regularly to spray for fruit flies.

25. Mr. Caron testified he was at another of his licensed premises when Investigators arrived at Fenway Johnnie's but he responded immediately.
26. The Licensee has held a license under M.G.L. c. 138, § 12 since 2018 with no prior violations.

CONCLUSION.

Based on the evidence, the Commission finds the Licensee violated:

- 1) 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 (11 Counts);
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 94 §186-Falling Below the Standard of Purity.

On the first violation, M.G.L. Ch. 138, § 34C (11 counts), the Commission suspends the license for a period of 11 days of which 6 days will be served and 5 days will be held in abeyance for 2 years provided no further violations of Chapter 138 or Commission regulations are found by this Commission.

On the second violation, M.G.L. Ch. 94 §186, the Commission issues a WARNING.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman _____

Jean M. Lorizio

Crystal Matthews, Commissioner _____

Crystal Matthews

Deborah Baglio, Commissioner _____

Deborah A. Baglio

Dated: February 3, 2023

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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2022-000052-ad-enf

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