



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

Jean M. Lorizio, Esq.
Chair

NOTICE OF SUSPENSION

May 2, 2023

**FENWAY JOHNNIE'S LLC
96-98 BROOKLINE AVENUE
BOSTON, MA 02215
LICENSE#: 04077-RS-0116
VIOLATION DATE: 10/28/2022
HEARD: 3/21/2023**

After a hearing on March 21, 2023, 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 (6 Counts). The Commission **suspends the license for a period of 4 days to be served.**

The suspension shall commence on Monday, June 19, 2023, and terminate on Thursday, June 22, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, June 19, 2023, at 9:00 A.M. It will be returned to the licensee on Friday, June 23, 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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- cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Sean Fleming, Investigator
Robert Gardner, Investigator
Brian Gould, Investigator
Michael Teehan, 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: 10/28/2022
HEARD: 3/21/2023**

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, March 21, 2023, regarding 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 (6 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Fleming's Report.

The following documents are in evidence:

1. Investigator Fleming's Report;
 2. ABCC Licensing Authority Certification, Transfer of License Approved 5/8/2018;
 3. Photograph of Fraudulent Drivers' Licenses Confiscated;
 4. ABCC Decision, 2/3/2023;
 5. Licensee's Stipulation of Facts.
- A. Letter re: Dram Shop Consultants' Security Alcohol Awareness Seminar, 3/1//2023.

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

FINDINGS OF FACT

1. On Friday October 28, 2022, at approximately 11:20 p.m., Investigators Gardner, Gould, Teehan, and Fleming ("Investigators") inspected Fenway Johnnie's LLC ("Licensee") to determine the manner in which its business was being conducted.
2. Investigators observed a crowd of youthful appearing individuals standing shoulder to shoulder on the sidewalk outside of the licensed premises, waiting to enter. Investigators entered the licensed premises and observed approximately 150 youthful appearing individuals inside.

3. Investigators observed several youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
4. Underage #1, actual date of birth 9/21/2002 (age 20), was in possession of a vodka mixed drink which she had purchased at the bar. She presented to Investigators a fraudulent Illinois driver's license in her own name with a different birth date.
5. Underage #2, actual date of birth 8/26/2003 (age 19), was in possession of a vodka and soda mixed drink which she had purchased at the bar. She presented to Investigators a fraudulent Minnesota driver's license in her own name with a different birth date.
6. Underage #3, actual date of birth 11/3/2003 (age 19), was in possession of a Red Bull and vodka mixed drink which she had purchased at the bar. She informed Investigators that she was not asked for identification at any time.
7. Underage #4, actual date of birth 10/22/2002 (age 20), was in possession of a vodka and cranberry mixed drink which she had purchased at the bar. She stated to Investigators that she was not asked for identification at any time.
8. Underage #5, actual date of birth 7/29/2003 (age 19), was in possession of a White Claw hard seltzer which she had purchased at the bar. She stated to Investigators that she was not asked for identification at any time.
9. Underage #6, actual date of birth 3/28/2003 (age 19), was in possession of a White Claw hard seltzer which she has purchased at the bar. She stated to Investigators that she was not asked for identification at any time.
10. Investigators informed the manager on duty, Higor Trindade, of the above violations and that a report would be filed with the Chief Investigator for further review.
11. John Caron, Licensee, appeared at the Commission hearing along with Mr. Trindade.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2018 with one prior violation.

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. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (6 Counts). Therefore, the Commission **suspends the license for a period of 6 days of which 4 days will be served and 2 days will be held in abeyance for a period of two years provided no further violations of Chapter 138 or Commission regulations are found by this Commission.**