

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

Jean M. Lorizio, Esq.
Chairman

DECISION

CHAZUMBA LLC D/B/A FELIPE'S TAQUERIA
21 BRATTLE STREET
CAMBRIDGE, MA 02138
LICENSE#: 000429-RS-0166
VIOLATION DATE: 3/26/2021
HEARD: 1/18/2022

Chazumba LLC d/b/a Felipe's Taqueria (the "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, January 18, 2022, regarding an 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 (4 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Violation Report;
2. ABCC Form 43, License Transfer Application Approval 3/23/2015;
3. Photocopies of Fraudulent Identifications Confiscated and a Receipt;
4. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Friday, March 26, 2021, at approximately 10:00 p.m., Investigators Carey, Smith, Guarino-Wilichoski, and Temple ("Investigators"), conducted an inspection of the business operation of Chazumba LLC d/b/a Felipe's Taqueria to determine the manner in which its business was being conducted.
2. While outside the licensed premises, Investigators observed a group of four youthful appearing female individuals in possession of alcoholic beverages. The four patrons were seated on the patio to the left side of the premises entrance. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 3/16/2001 (age 20), informed Investigators she was in possession of a Margarita mixed drink. She provided to Investigators a fraudulent

Connecticut driver's license in her own name with a different birth date, which she used to purchase the alcoholic beverage.

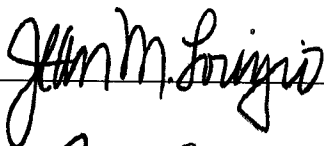
4. Underage #2, actual date of birth 5/17/2001 (age 19), informed Investigators she was in possession of a Margarita mixed drink. She provided to Investigators a fraudulent Connecticut driver's license in her own name with a different birth date, which she used to purchase the alcoholic beverage.
5. Underage #3, actual date of birth 11/09/2000 (age 20), informed Investigators she was in possession of a House Rox mixed drink. She provided to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date, which she used to purchase the alcoholic beverage. Investigators observed that Underage #3 appeared to be the most youthful looking person in the group. As such, Investigators believed it was not reasonable for the Licensee to rely on the fraudulent identification she presented.
6. Underage #4, actual date of birth 5/29/2001 (age 19), informed Investigators she was in possession of a strawberry Mojito mixed drink. She provided to Investigators a fraudulent Connecticut driver's license in her own name with a different birth date, which she used to purchase the alcoholic beverage.
7. The four underage individuals identified their server to the Investigators. Investigators spoke to the server who informed them he had requested identification from the four female individuals. He confirmed the identifications confiscated by Investigators were the same identifications presented to him by these individuals.
8. Investigators asked the server for a copy of the receipt for this table of four individuals.
9. Investigators then spoke to the bar manager, doorman, and one of the owners. Investigators showed the confiscated fraudulent identifications to the doorman and the bar manager. Both persons immediately stated they could tell the licenses were fake.
10. Investigators advised the owner of the violations and that a report would be filed with the Chief Investigator for further review.
11. Thomas Brush, Licensee, appeared at the Commission hearing. The Commission was informed the Licensee's age verification policy had been redrafted, printed, and posted in the employee area the day after the Investigators' visit. The policy directs that out of state identification will only be accepted if the patron produces a passport or other official federally issued backup. The bartender who served the three underage patrons has been terminated. The Licensee has aggressively retrained bar staff and management to request identification and to only accept an out of state identification with the required federally issued back-up.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015 with no prior violations.

CONCLUSION

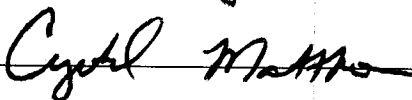
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (4 Counts). Therefore, the Commission **suspends the license for a period of 5 days which are hereby deemed served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

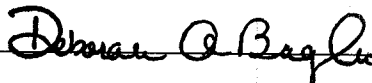
Jean M. Lorizio, Chairman _____



Crystal Matthews, Commissioner _____



Deborah A. Baglio, Commissioner _____



Dated: June 2, 2022

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.

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
Kyle E. Gill, Esq., Associate General Counsel
Jack Carey, Investigator
Caroline Guarino-Wilichoski, Investigator
Nicole Smith, Investigator
Christopher Temple, Investigator
Andrew Upton, Esq.
Administration, File