

*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**

July 12, 2017

**DOS NINOS, INC. D/B/A ANEJO MEXICAN BISTRO  
188 MAIN STREET  
FALMOUTH, MA 02540  
LICENSE#: 039000195  
VIOLATION DATE: 05/05/2017  
HEARD: 07/11/2017**

After a hearing on July 11, 2017, the Commission finds Dos Ninos, Inc. d/b/a Anejo Mexican Bistro violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited.

**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, September 6, 2017 and terminate on Thursday, September 7, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 6, 2017 at 9:00 A.M. It will be returned to the licensee on Friday, September 8, 2017.**

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.

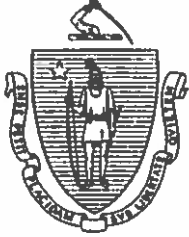
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

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

Jean M. Lorizio  
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Jack Carey, Investigator  
Jaime Binienda, Investigator  
Administration, File



**Jean M. Lorizio, Esq.**  
*Chairman*

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## **DECISION**

**DOS NINOS, INC. D/B/A ANEJO MEXICAN BISTRO  
188 MAIN STREET  
FALMOUTH, MA 02540  
LICENSE#: 039000195  
VIOLATION DATE: 05/05/2017  
HEARD: 07/11/2017**

Dos Ninos, Inc. d/b/a Anejo Mexican Bistro (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, July 11, 2017, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited. Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Carey's report.

The following documents are in evidence:

1. Investigator Carey'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 Friday, May 5, 2017, at approximately 9:02 p.m., Investigators Binienda and Carey ("Investigators") conducted an investigation of the business operation of Dos Ninos, Inc. d/b/a Anejo Mexican Bistro to determine the manner in which its business was being conducted.
2. Investigators entered the establishment and observed the premises was extremely overcrowded. Investigators had not seen any employee supervising the door of the premises.
3. Investigators attempted a visual count of the people in the establishment and came up with numbers between 135 and 145.

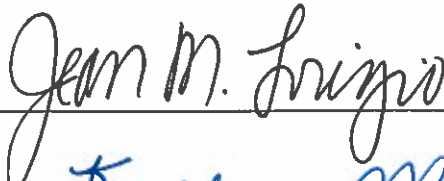
4. Investigators identified themselves to the manager on duty, Tara Merola, and asked her for the building occupancy permit. Ms. Merola showed Investigators the occupancy permit which stated the capacity was 70 people.
5. Investigators asked Ms. Merola if any personnel had a counter or if anyone oversaw keeping track of how many people were in the establishment. Ms. Merola replied, "No."
6. Another person who joined Investigators identified himself as Zeph Dannewitz, manager.
7. Investigators informed both Ms. Merola and Mr. Dannewitz of the violation and that a report would be filed with the Chief Investigator for review.
8. Administrative review of the Licensee's file indicates Jesse Kersey is the manager of record, and James P. Surprenant is President and Treasurer of the company.

#### CONCLUSION

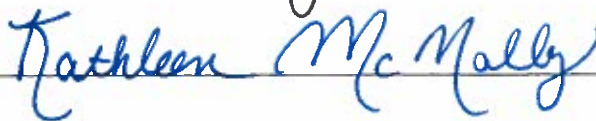
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited. Therefore, the Commission **suspends 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**

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: July 12, 2017

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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