

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

November 23, 2011

BRICKS, INC. DBA BRICKS'S
151-153 ESSEX STREET
LAWRENCE, MA 01840
LICENSE #: 0594-00239
HEARD: 09/28/2011

After a hearing on September 28, 2011, the Commission finds Brick's, Inc. dba Brick's in violation of 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of ten (10) days to be served.** The suspension shall commence on **Wednesday, December 28, 2011** and terminate on **Friday, January 6, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 28, 2011 at 9:00 A.M. It will be returned to the licensee Saturday, January 7, 2012.

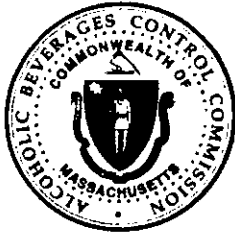
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Brad Doyle, Investigator
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Steven Grossman
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DECISION

BRICKS, INC. DBA BRICKS'S
151-153 ESSEX STREET
LAWRENCE, MA 01840
LICENSE #: 0594-00239
HEARD: 09/28/2011

Brick's, Inc. dba Brick's (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Wednesday, September 28, 2011, regarding an alleged violation of 204 CMR 2.05 (2). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Report of Investigator Brad Doyle.

There is one (1) tape of this hearing.

FACTS

1. On Friday, August 26, 2011, Investigators Doyle, Kenny and Wilichoski, accompanied by Chief Investigator Mahony and City of Lawrence Building Inspector Gregory Arvanitis, investigated Brick's Inc. dba Brick's to determine the manner in which their business is conducted.
2. Investigators identified themselves and asked for proof of age from several youthful looking individuals.
3. Inspector Arvanitis and Investigators spoke with the owner, Juan Tejada, outside the front door on the sidewalk.
4. Inspector Arvanitis informed Mr. Tejada that the premises was over capacity.
5. Investigators Kenny and Doyle re-entered the premises and counted the individuals inside. Investigators stated the approximate occupancy was sixty (60) to sixty-five (65) people.
6. Mr. Tejada stated that he was not aware that employees were included for occupancy purposes. A person working the front door had a clicker that showed the number of occupants inside was thirty-eight (38).
7. The premise is approved for forty-nine (49) occupants.

8. Chief Investigator Mahony informed Mr. Tejada that a violation report would be written and a hearing notice would be sent in the mail.

CONCLUSION

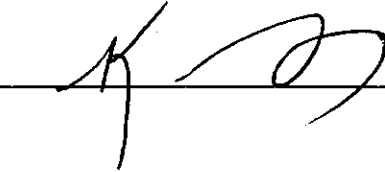
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2). The Commission suspends the license for sixteen (16) days of which ten (10) days will be served and six (6) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No fine in lieu of suspension will be accepted for two (2) days of the ten (10) day suspension.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kim S. Gainsboro, Chairman



Dated: November 23, 2011

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Administration
File