

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

BRICKS, INC.
151-153 ESSEX STREET
LAWRENCE, MA 01840
LICENSE#: 0594000239
HEARD 11/22/2011

January 24, 2012

After a hearing on November 22, 2011, the Commission finds Bricks, Inc. in violation of 204 CMR 2.16 (1), 204 CMR 2.16 (1), and 780 CMR 121.1.

The Commission **suspends the licensee's license for a total of ten (10) days to be served**. The suspension shall commence on **Wednesday, March 14, 2012** and terminate on **Friday, March 23, 2012**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 14, 2012 at 9:00 A.M. It will be returned to the licensee Saturday, March 24, 2012.

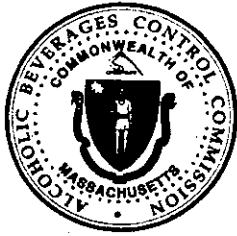
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must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



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

BRICKS, INC.
151-153 ESSEX STREET
LAWRENCE, MA 01840
LICENSE#: 0594000239
HEARD 11/22/2011

Bricks, Inc. (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 22, 2011, regarding the alleged violations of 204 CMR 2.16 (1), 204 CMR 2.16 (1), and 780 CMR 121.1. Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Rose Egan-Bailey's Report.

The following documents and physical items are in evidence:

ABCC Exhibits

1. Investigator Bailey's Report dated September 24, 2011;
2. Licensee's Stipulation of Facts; and
3. Printout of Email Message dated November 11, 2011 from Licensee.

Licensee Exhibits

- A. City of Lawrence Occupancy Load Certificate for Licensed Premises;
- B. Floor Plan of Licensed Premises;
- C. Building Proposal from F & S Construction, LLC dated October 19, 2011; and
- D. Building Proposal from S. Jason Lebowitz Co., Inc. dated November 15, 2011.

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

FACTS

1. On Saturday, September 24, 2011, at approximately 1:45 a. m., Chief Investigator Mahony with Investigators Keefe, Teehan, and Egan-Bailey investigated the business operation of Bricks, Inc. to determine how their business was being conducted.
2. Investigators entered the licensed premises to conduct an enforcement operation.
3. Investigators observed a hand written notice, taped to a cash register, indicating a ten (\$10) dollar cover charge was required prior to entry.
4. Investigators observed a female employee, seated at the cash register, and asked if she provided patrons with a receipt for the payment of the cover charge.
5. The female employee stated no.

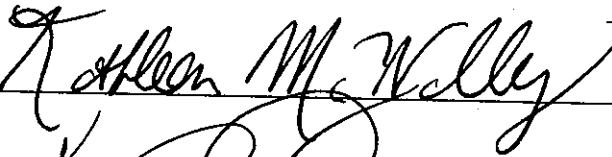
6. Investigators identified themselves to the manager on duty, Mr. Pedro Tejada, and informed him they were conducting an inspection of the licensed premises.
7. Investigators requested Mr. Tejada to continue the interview outside the licensed premises due to the loud volume of the music.
8. Prior to exiting the licensed premises, investigators conducted a head count of the number of people within the licensed premises.
9. Investigators stated the head count was approximately seventy five (75) people.
10. Investigators requested to see the liquor license and the occupancy permit for the licensed premises.
11. Investigators observed the occupancy permit indicated an allowable occupant load of forty nine (49) people.
12. Investigators observed a male employee, identified as Alex Santana, using a hand-held counter to keep count of the number of patrons entering the licensed premises.
13. Investigators requested the current head count of people in the licensed premises.
14. Mr. Tejada viewed the hand-held counter and stated there were eighty (80) patrons.
15. Mr. Tejada stated he was in the process of working with the city to increase the capacity.
16. Investigators asked Mr. Tejada if there was a posted notice informing the public of the ten (\$10) dollar cover charge prior to entry.
17. Mr. Tejada stated there was not.
18. Investigators informed Mr. Tejada of the violations.
19. Investigators informed Mr. Tejada that a violation report would be filed with the Commission for review.
20. Administrative review of the files indicates the licensee has held the license since 2011.

CONCLUSION

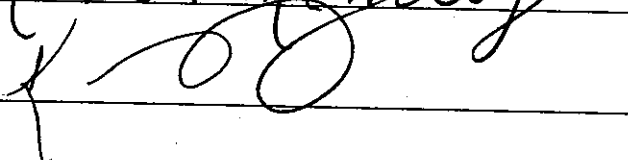
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.16 (1), 204 CMR 2.16 (1), and 780 CMR 121.1. Therefore, the Commission **suspends the license for twenty-eight (28) days of which ten (10) days will be served, and eighteen (18) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Kim S. Gainsboro, Chairman



Dated: January 24, 2012

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
Rose Egan-Bailey, Investigator
Administration
File