

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**CALIFORNIA NIGHT CLUB INC. D/B/A ATTIKA
1 MILL STREET
LAWRENCE, MA 01840
LICENSE#: 0594-00237
VIOLATION DATE: 4/23/2017
HEARING DATE: 12/5/2017**

California Night Club Inc. d/b/a Attika (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, December 7, 2017, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Compliance Check Field 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 Sunday, April 23, 2017, at approximately 12:15 a.m., Investigators Carey, Kujawski, Teehan, Velez, Wilichoski, and Di Cicco with Chief Mahony and members of the Lawrence Police Department ("Investigators") investigated the California Night Club Inc. d/b/a Attika.
2. While inside the licensed premises on the second floor, Investigators Wilichoski and Di Cicco observed a youthful appearing male, at a table with other youthful appearing individuals, all in possession of mixed drinks.
3. Investigators asked these individuals for proof of legal age. Underage #1, actual date of birth 7/26/1997 (age 19) first stated that he did not have any identification and then produced his Massachusetts driver's license. The Underage stated he was drinking Hennessy [cognac].


4. Investigators spoke to the owner, Edward Herrera. Mr. Herrera stated that underage individuals were supposed to leave the premises by 11:00 p.m.
5. Investigators informed Mr. Herrera, of the violation and that a report would be filed with the Chief Investigator for review.

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: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 Count). Therefore, the Commission **suspends the license for four (4) days which 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



Elizabeth A. Lashway, Commissioner



Dated: December 7, 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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Caroline Wilichoski, Investigator
J. Carey, J. Kujawski, M. Teehan, N. Velez, Investigators
Administration, File