

*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

December 13, 2017

**CALIFORNIA NIGHT CLUB INC. D/B/A ATTIKA
1 MILL STREET
LAWRENCE, MA 01840
LICENSE#: 0594-00237
VIOLATION DATE: 10/21/2017
HEARING DATE: 12/12/2017**

After a hearing on December 12, 2017, the Commission finds California Night Club Inc. d/b/a Attika violated 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 (2 Counts).

The Commission suspends the license for eight (8) days of which four (4) days will be served and four (4) 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, January 31, 2018 and terminate on Saturday, February 4, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 31, 2017 at 9:00 A.M. It will be returned to the Licensee on Sunday, February 5, 2018.

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.

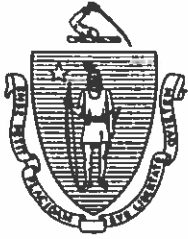
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script that reads "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Christopher Temple, Investigator
Joseph Di Cicco, Investigator
Administration, File



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DECISION

**CALIFORNIA NIGHT CLUB INC. D/B/A ATTIKA
1 MILL STREET
LAWRENCE, MA 01840
LICENSE#: 0594-00237
VIOLATION DATE: 10/21/2017
HEARING DATE: 12/12/2017**

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 12, 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 (2 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Violation Report;
2. Licensee's Stipulation of Facts; and
3. Photos of Fake Identifications.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Saturday, October 21, 2017, at approximately 1:00 a.m., Investigators Temple, Di Cicco and Keefe along with Sergeant Jay Cerullo with other members of the Lawrence Police Department and members of the Massachusetts State Police ("Investigators") investigated the California Night Club Inc. d/b/a Attika.
2. While inside the licensed premises on the second floor, Investigators observed two youthful appearing females, in possession of alcoholic beverages.
3. Investigators identified themselves and asked these individuals for proof of legal age. Underage #1, actual date of birth 6/22/1997 (age 20) was in possession of a mixed drink. She first presented Investigators with a fraudulent Rhode Island driver's license. She stated to Investigators that she was drinking a Patron [tequila] and passion fruit [juice].

4. Underage #2, actual date of birth 11/15/1998 (age 18) was in possession of a mixed drink. She first presented Investigators with a fraudulent Rhode Island driver's license. She stated to Investigators that she was drinking a Patron [tequila] and passion fruit [juice].
5. Investigators informed the owner, Edward Herrera of the violations 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 (2 Counts). Therefore, the Commission **suspends the license for eight (8) days of which four (4) days will be served and four (4) 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 Jean M. Lorizio

Kathleen McNally, Commissioner Kathleen McNally

Elizabeth A. Lashway, Commissioner Elizabeth A. Lashway

Dated: December 13, 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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