



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

CALIFORNIA NIGHT CLUB INC. DBA ATTIKA
1 MILL STREET
LAWRENCE, MA 01840
LICENSE#: 059400237
VIOLATION DATE: 05/02/2015
HEARD: 09/01/2015

California Night Club Inc. dba 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, September 1, 2015, regarding alleged violation of 204 CMR 4.03 (1)(b) – Delivery of more than two (2) drinks to one (1) person at a time. Prior to the commencement of the hearing, the Licensee stipulated to the violations alleged in Investigator Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Report dated May 2, 2015; and
2. Licensee's Stipulation of Facts,

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

FACTS

1. On Saturday, May 2, 2015, at approximately 11:15 p.m., Chief Investigator Mahony, along with Investigators Guarino, Teehan, and Doyle ("Investigators") conducted an investigation of the business operation of California Night Club Inc. dba Attika.
2. Investigators observed a 750 ml bottle of Buchanan's whiskey on a table. Two people were seated at this table. Each person was in possession of or had a drink on the table.
3. Investigators spoke with the owner, Edward Herrera, and asked him how many drinks could be served from a 750 ml bottle.
4. Mr. Herrera stated that a standard drink was 2 ounces, and each 750 ml bottle would contain approximately 12 drinks.

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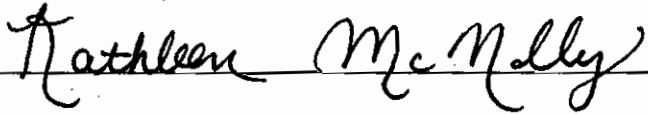
5. Investigators informed Mr. Herrera that a 750 ml bottle containing 12 drinks could be delivered only to six or more persons.
6. Investigators informed Mr. Herrera, of the violation and that a report would be submitted to the Chief Investigator for further action.

CONCLUSION

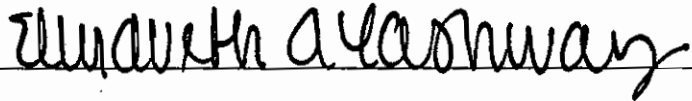
Based on the evidence, the Commission finds the Licensee violated 204 CMR 4.03 (1)(b) – Delivery of more than two (2) drinks to one (1) person at a time. Therefore, the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: September 1, 2015

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
Brad Doyle, Investigator
Michael Teehan, Investigator
Salim R. Tabit, Esq. via facsimile 978-327-5144
Administration
File