



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

December 5, 2011

EL JARRO, INC. DBA EXODUS LOUNGE
24 NEWBURY STREET
LAWRENCE, MA 01840
LICENSE#: 059400065
HEARD: 10/25/11

After a hearing on October 25, 2011, the Commission finds El Jarro, Inc. dba Exodus Lounge in violation of 204 CMR 2.05(2).

The Commission suspends the licensee's license for a total of thirteen (13) days to be served. The suspension shall commence on **Wednesday, January 11, 2012** and terminate on **Monday, January 23, 2012**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 11, 2012 at 9:00 A.M. It will be returned to the licensee Tuesday, January 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: File
Local Licensing Board
Frederick G. Mahony, Chief Investigator
Rose Bailey, Investigator
Administration



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Department of the State Treasurer
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DECISION

EL JARRO, INC. DBA EXODUS LOUNGE
24 NEWBURY STREET
LAWRENCE, MA 01840
LICENSE#: 059400065
HEARD: 10/25/11

El Jarro, Inc. dba Exodus Lounge (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 Tuesday, October 25, 2011, regarding an alleged violation of 204 CMR 2.05 (2). Prior to the commencement of the hearing, the licensee stipulated to the facts detailed in Investigator Rose Bailey's Report.

The following documents are evidence:

1. Stipulation of Facts;
2. Investigator Rose Bailey's Report; and
3. Renewal Certificate.

There is one (1) tape of this hearing.

FACTS

1. On Sunday, September 24, 2011, at approximately 1:15 a.m., Chief Investigator Mahony, Investigators Keefe, Teehan and Bailey while conducting on-going enforcement operations in the City of Lawrence entered El Jarro, Inc. dba Exodus Lounge to conduct an investigation into the business operation.
2. Upon entry Investigators observed the licensed premises to be occupied by a crowd of shoulder-to-shoulder patrons.
3. Chief Investigator Mahony requested Investigators Keefe and Teehan attempt to move through the crowd and conduct a head count.
4. Investigator Bailey as well as Chief Mahony exited the premises at which time Investigator Bailey spoke with the male security standing outside the premises and asked to speak with the owner or manager.
5. A male, identified as Julio Gomez, stated he was the cashier and the manager was not there.
6. Investigator Bailey requested to see the liquor license as well as the occupancy permit.
7. Mr. Gomez stated the occupancy number was located inside the main door.
8. Investigator Bailey looked inside the door where she observed an 8.5 x 11 sheet of white paper with the following hand written notation, capacity fifty-four (54).
9. Investigator Bailey then requested to see the official certificate of occupancy and liquor license.

10. While waiting for Mr. Gomez, Investigator Bailey observed a male individual in possession of a hand held counter used to keep track of the number of patrons entering and exiting the premises.
11. Investigator Bailey asked how many patrons were within the premises currently.
12. The male stated, he believed fifty-four (54) but it's hard to keep track.
13. Investigator Bailey then looks at the counter.
14. The male stated since they opened this evening eighty-one (81) patrons had entered and twenty-seven (27) patrons had left.
15. Investigators Keefe and Teehan exited the premises and informed Investigator Bailey as well as the Chief Investigator that the result of the head count was seventy-seven (77).
16. Investigators also informed Chief Investigator Mahony there was no clear passageway to the rear of the premise or a clear passageway to exit the premises.
17. Mr. Gomez provided Investigator Bailey with the requested liquor license as well as the occupancy permit, which indicated an allowable occupant load, first floor, of fifty-four (54) (Ex 2).
18. Investigator Bailey informed Mr. Gomez of the investigators findings and indicated that a violation report would be submitted for review and a notice of hearing to appear before the Alcoholic Beverages Control Commission would be forthcoming.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2). The Commission suspends the license for twenty-four (24) days of which ten (10) days will be served and fourteen (14) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated November 29, 2011, the Commission had previously ordered a three (3) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that three (3) day license suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the ten (10) day suspension. The licensee will serve a total thirteen (13) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

Kathleen McNally, Commissioner *Kathleen McNally*

Dated: December 5, 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: File
Local Licensing Board
Frederick G. Mahony, Chief Investigator
Rose Bailey, Investigator
Administration