

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

January 11, 2012

ELIODOR N. AUDATE DBA LATINO'S RESTAURANT NIGHTCLUB
188 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400217
HEARD 11/22/2011

After a hearing on November 22, 2011, the Commission finds Eliodor N. Audate dba Latino's Restaurant Nightclub in violation of 527 CMR 10.13 (2) (d) and 527 CMR 10.13 (2) (e).

The Commission **suspends the licensee's license for a total of one (1) day to be served**. The suspension shall commence on **Wednesday, February 15, 2012 and terminate on Wednesday, February 15, 2012**. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 15, 2012 at 9:00 A.M. It will be returned to the licensee Thursday, February 16, 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
Rosemary Egan-Bailey, Investigator
✓ Administration
File



The Commonwealth of Massachusetts
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DECISION

ELIODOR N. AUDATE DBA LATINO'S RESTAURANT NIGHTCLUB
188 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400217
HEARD 11/22/2011

Eliodor N. Audate dba Latino's Restaurant Nightclub (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 527 CMR 10.13 (2) (d) and 527 CMR 10.13 (2) (e). Prior to the commencement of the hearing, the licensee stipulated to the violations alleged in Investigator Rosemary Egan-Bailey's Report.

The following documents and physical items are in evidence:

1. Investigative Report of Rosemary Egan-Bailey dated September 9, 2011; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Friday, September 9, 2011, at approximately 11:45 p.m., Chief Investigator Mahony with Investigators Egan-Bailey, Doyle, and Kujawski investigated the business operation of Eliodor N. Audate dba Latino's Restaurant Nightclub to determine how their business was being conducted.
2. Investigators entered the licensed premises to conduct an enforcement operation.
3. Investigators identified themselves to the male bartender on duty and asked to speak with the manager or owner.
4. The male bartender informed investigators that he was the owner and manager, Mr. Eliodor Audate.
5. Investigators conducted an inspection of the bar area while Investigator Egan-Bailey conducted an interview with Mr. Audate.
6. Investigators requested to see the liquor license and the occupancy permit.
7. The occupancy permit indicated an allowable occupant load of one hundred and fifty-five (155) people.
8. Investigators requested Mr. Audate to identify the certified crowd manager on duty.
9. Mr. Audate stated he was unaware of the requirements for a crowd manager.

10. Investigators requested Mr. Audate to review the daily fire and building safety checklist.
11. Mr. Audate stated he was unaware of the requirements for a fire and building safety checklist.
12. Investigators informed Mr. Audate of the violations.
13. Investigators informed Mr. Audate that a violation report would be filed with the Commission for review.
14. Investigators recommended Mr. Audate contact the local licensing authority as soon as possible for assistance in order to be in compliance with 527 CMR 10.13 (2)(d) and 527 CMR 10.13 (2)(e).
15. Administrative review of the files indicates licensee has held the license since May 2008, and has no previous violations.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 527 CMR 10.13 (2) (d) and 527 CMR 10.13 (2) (e). Therefore, the Commission **suspends the license for four (4) days of which one (1) day will be served and 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 occurs.**

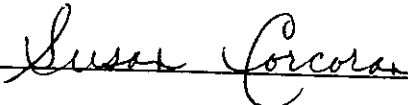
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner



Dated: January 6, 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
Rosemary Egan-Bailey, Investigator
Administration
File