

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

October 3, 2012

ELIODOR N. AUDATE DBA LATINO'S RESTAURANT NIGHTCLUB
188 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400217
HEARD: 09/25/2012

After a hearing on September 25, 2012, the Commission finds Eliodor N. Audate dba Latino's Restaurant Nightclub in violation of 204 CMR 2.05 (2), to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 count).

The Commission suspends the licensee's license for a total of five (5) days to be served. The suspension shall commence on Wednesday, November 21, 2012 and terminate on Sunday, November 25, 2012. The license will be delivered to the Local Licensing Board or its designee on Wednesday, DATE, 2012 at 9:00 A.M. It will be returned to the licensee Monday, November 26, 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.

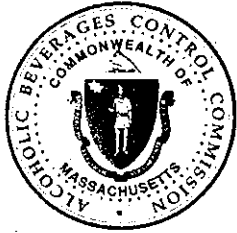
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Jan Kujawski Investigator
Administration
File

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

Steven Grossman
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DECISION

ELIODOR N. AUDATE DBA LATINO'S RESTAURANT NIGHTCLUB
188 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400217
HEARD: 09/25/2012

Eliodor N. Audate dba Latino's Restaurant Nightclub (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 25, 2012, regarding an alleged violation of 204 CMR 2.05 (2), to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 count). 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 Investigative Report dated June 1 2012; and
2. Licensee's Stipulation-of Facts.

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

FACTS

1. On Friday, June 1, 2012 at approximately 11:50 p.m., Investigators Kujawski and Keefe, along with members of the Lawrence Police Department and Lawrence Fire Department, in a joint code enforcement, conducted an investigation of Eliodor N. Audate dba Latino's Restaurant Nightclub to determine the manner in which their business was being conducted.
2. Investigators observed a youthful looking female individual in possession of a bottle of Corona beer.
3. Investigator Keefe approached the female individual, identified himself, and asked to see her verification of age.
4. The female could not produce any identification but stated she was nineteen (19) years of age.
5. The underage female was identified as Ms. Yomeiris Gonzols, date of birth July 28, 1992, age nineteen (19) years.
6. Ms. Gonzols stated that she was not asked for identification at the door.
7. Investigators then contacted the bartender on duty, Ms. Jennifer Morales, who stated that she did serve Ms. Gonzols.
8. Ms. Morales stated that she did not ask Ms. Gonzols for identification because identification is asked for at the door.
9. The owner, Eliodor N. Audate, was present at the time of the violation.

10. Investigators advised Mr. Audate of the violation, and that a report would be submitted to the Chief Investigator for review.

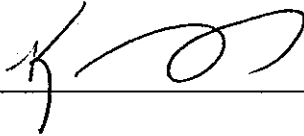
CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 204 CMR 2.05 (2), to wit: M.G.L. c.138 §34C- Possession of an alcoholic beverage by a person under twenty-one years of age (1 Count). Therefore, the Commission **suspends the license for five (5) days of which two (2) days 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 occur.**

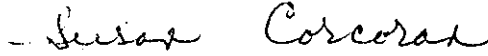
By decision dated January 6, 2012, the Commission had previously ordered a four (4) day license suspension, with one (1) day to be served and three (3) days to be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The licensee will serve a total five (5) days to be served.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



DATE: October 3, 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File