



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

JEFF'S TAVERN INC., DBA LIGHT SHIP LOUNGE
118 SO. UNION ST.
LAWRENCE, MA 01840
LICENSE#: 059400078
HEARD 3/13/2012

Jeff's Tavern Inc., dba Light Ship Lounge (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 13, 2012, regarding alleged violations of M.G.L. c. 94, §186 (3 Counts); 204 CMR 4.03 (1) (c); M.G.L. c. 140 §177A (5); 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 Brad Doyle's Investigative Report.

The following documents and physical items are in evidence:

1. Investigator Doyle's Investigative Report dated December 3, 2011;
2. Licensee's Stipulation of Facts;
3. Three (3) Bottles of Alcoholic Beverage with Fruit Flies;
4. Picture of Four (4) Automatic Amusement Devices in the Kitchen of Licensed Premises;
5. Picture of Closed "Cafeteria" Door Leading to the Bar Area; and
6. Flyer Taken from the Wall of the Licensed Premises Advertising "Jello shots".

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

FACTS

1. On Saturday, December 3, 2011, at approximately 09:15 p. m., Investigators Paul Capurso, Caroline Guarino, and Brad Doyle investigated the business operation of Jeff's Tavern Inc., dba Light Ship Lounge to determine the manner in which their business was conducted.
2. Investigators were responding to a complaint of gambling on the premises.
3. Investigators identified themselves to the bartender on duty, Mr. Richard Crottau, and asked him to contact the owner of the licensed premises.
4. Mr. Crottau contacted the owner, Mr. Darryl Silva, by phone.
5. Mr. Silva identified himself to investigators as co-owner and manager of record.
6. Investigators informed Mr. Silva of the complaint received of gambling on the licensed premises.
7. Mr. Silva spoke to Mr. Crottau and instructed him to cooperate with the inspection.

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8. Investigators conducted an inspection of the bar area and found three (3) one-liter bottles of alcohol which contained foreign matter, specifically fruit flies.
9. The three (3) bottles taken as evidence were:
 - a. Arrow Anisette
 - b. Old Grand Dad Whiskey
 - c. Don Q Cristal Rum
10. Investigators observed a piece of white paper advertising "Jello Shots" for one dollar and fifty cents (\$1.50) or five (5) for six dollars (\$6.00).
11. Investigators asked Mr. Crottau if the Jello shots contained any alcohol.
12. Mr. Crottau stated he did not know if they did contain alcohol.
13. An unidentified off-duty bartender stated that the Jello shots contained Jello mixed with different flavors of liqueurs, specifically banana, strawberry, or watermelon.
14. Investigators informed Mr. Crottau that regulations required the Jello shots to be the same price without any discounts for quantity.
15. Investigators entered the kitchen area and observed four (4) automatic amusement devices (video poker and fruit bonus).
16. Investigators observed that the four (4) devices were plugged in and operational.
17. Investigators asked Mr. Crottau about the devices.
18. Mr. Crottau stated that he only worked a few days each week, and he never dealt with the devices.
19. Investigators observed the occupancy permit on the wall which listed the total occupancy load to be two hundred and twenty (220) persons.
20. Investigators asked Mr. Crottau to identify any crowd managers, and to review the daily fire and building safety checklists.
21. Mr. Crottau stated that he was unaware of either requirement.
22. Investigators informed Mr. Crottau of the violations, 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 M.G.L. c. 94, §186 (3 Counts); 204 CMR 4.03 (1) (c); M.G.L. c. 140 §177A (5); 527 CMR 10.13 (2) (d); and 527 CMR 10.13 (2) (e). Therefore, the Commission **suspends the license for twelve (12) days of which twelve (12) 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 

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

Kim S. Gainsboro, Chairman 

Dated: March 21, 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
- Brad Doyle, Investigator
- ✓ Administration
- File