

*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 22, 2014

**MARINO'S FIRST SHOT INC. DBA BIG CITY BAR & GRILL**  
**65 MERRIMACK ST**  
**LAWRENCE, MA 01843**  
**LICENSE#: 059400142**  
**VIOLATION DATE: 08/30/2014**  
**HEARD: 12/17/2014**

After a hearing on December 17, 2014, the Commission finds Marino's First Shot Inc. dba Big City Bar & Grill in violation of:

- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C – Possession of an alcoholic beverage by a person under 21 years of age (1 count);
- 2) 204 CMR 4.03 (2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.

The Commission suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, February 18, 2015, and terminate on Thursday, February 19, 2015. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 18, 2015 at 9:00 A.M. It will be returned to the licensee Friday, February 20, 2015.

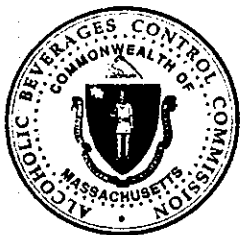
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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  
Rose Bailey, Investigator  
Dennis Keefe, Investigator  
Administration, File



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**DECISION**

**MARINO'S FIRST SHOT INC. DBA BIG CITY BAR & GRILL**  
**65 MERRIMACK ST**  
**LAWRENCE, MA 01843**  
**LICENSE#: 059400142**  
**VIOLATION DATE: 08/30/2014**  
**HEARD: 12/17/2014**

Marino's First Shot Inc. dba Big City Bar & Grill (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 Wednesday, December 17, 2014, regarding an alleged violation of:

- 3) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C – Possession of an alcoholic beverage by a person under 21 years of age (1 count);
- 4) 204 CMR 4.03 (2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Bailey's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Bailey's Investigative Report dated August 30, 2014.

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

**FACTS**

1. On Saturday, August 30, 2014, at approximately 12:20 a. m., Investigators Kujawski, Keefe and Bailey, with Sergeant Cerceullo of the Lawrence Police Department, conducted an investigation of the business operation of Marino's First Shot Inc. dba Big City Bar & Grill to determine the manner in which its business was being conducted.
2. Investigators approached the licensed premises and saw the licensee, Marino Almonte, standing outside.
3. Investigators identified themselves to Mr. Almonte and indicated that they would be conducting an inspection.
4. Investigators observed approximately 20 people on the exterior deck of the premises and, upon entry, approximately 10 people in the bar area.

5. Sergeant Cerceullo immediately observed the presence of Hookahs on the licensed premises. He questioned Mr. Almonte about the Hookahs due to the fact that, as of June 2014, the City of Lawrence Licensing Authority no longer allowed the sale of Hookahs on licensed premises.
6. Mr. Almonte stated that he had received permission from both the City of Lawrence Building and Fire Departments to continue to offer Hookahs as long as they were used on the exterior deck.
7. Sergeant Cerceullo stated that he would follow up with the building and fire departments relative to Mr. Almonte's statements.
8. Investigators observed a youthful appearing female, standing at the bar, in possession of an alcoholic beverage.
9. Investigators approached the female patron, identified themselves, and asked to see proof of age.
10. The female patron provided a permanent resident card in the name of Nornita Lemorin, actual date of birth [REDACTED] (age 22).
11. Based on their training and experience, investigators knew that the permanent resident card was not that of the youthful female patron. The picture on the card did not resemble the female patron who presented it.
12. The female patron stated that she was 20 years of age and she did not have any identification on her.
13. The female patron was identified as Lorna LeBon, actual date of birth [REDACTED] (age 20).
14. Investigators observed that Ms. LeBon was in possession of a Long Island Iced Tea.
15. Ms. LeBon identified the bartender on duty, Delfi Vargas, who had served her the alcoholic beverage, and stated that she was not asked for identification.
16. When questioned by investigators, Ms. Vargas stated that there are four different liquors in a Long Island Iced Tea. Ms. Vargas also stated that she was employed by the Licensee for one year.
17. Investigators informed Mr. Almonte of the violation and that a report would be filed with the Chief Investigator for further action.
18. In addition investigators reviewed the Facebook page for the licensed premises, on which the Licensee advertised free shots [of alcohol] for college students with identification.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C – Possession of an alcoholic beverage by a person under 21 years of age (1 count);
- 2) 204 CMR 4.03 (2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.

**Therefore, the Commission suspends the license for six (6) days of which 2 days will be served and four (4) 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

Kathleen Mc Malley

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

Susan Corcoran, Commissioner

Susan Corcoran

Dated: December 22, 2014

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  
Rose Bailey, Investigator  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Administration  
File