

# Commonwealth of Massachusetts Department of the State Treasurer Alcoholic Beverages Control Commission 239 Causeway Street Boston, MA 02114 Telephone: 617-727-3040

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# **NOTICE OF SUSPENSION**

June 19, 2018

MIR INC. D/B/A MIR TAPAS LOUNGE 102-116 ESSEX ST. LAWRENCE, MA 01840 LICENSE#: 0594-00255

VIOLATION DATE: 4/13/2018

HEARD: 6/05/2018

After a hearing on June 5, 2018, the Commission finds Mir Inc. d/b/a Mir Tapas Lounge violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts).

The Commission suspends the license for seven (7) days of which three (3) 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.

The suspension shall commence on Wednesday, August 1, 2018 and terminate on Friday, August 3, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 1, 2017 at 9:00 A.M. It will be returned to the Licensee on Saturday, August 4, 2018.

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 which must be signed by the Licensee and 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.

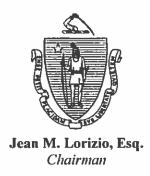
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio

Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Michael Teehan, Investigator
Arthur Broadhurst, Esq. via facsimile 978-327-5144
Administration, File



Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
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#### DECISION

MIR INC. D/B/A MIR TAPAS LOUNGE 102-116 ESSEX ST. LAWRENCE, MA 01840 LICENSE#: 0594-00255

VIOLATION DATE: 4/13/2018

HEARD: 6/05/2018

Mir Inc. d/b/a Mir Tapas Lounge (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, June 5, 2018, regarding an alleged violation of 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 twenty-one (21) years of age (2 counts). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Di Cicco's report.

The following documents are in evidence:

- 1. Investigator Di Cicco's Investigative Report;
- 2. Licensee's Stipulation of Facts; and
- 3. Photocopies of Fraudulent Driver's License.

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

The Commission took Administrative Notice of the Licensee's record.

# **FINDINGS OF FACT**

1. On Friday, April 13, 2018, at approximately 11:00 p.m., Investigators Teehan and Di Cicco ("Investigators") conducted an investigation of the business operation of Mir Inc. d/b/a Mir Tapas Lounge to determine the manner in which its business was being conducted, and to investigate a complaint filed with this Commission.

- 2. Investigators observed youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
- 3. Underage #1, actual date of birth 4/18/1998 (age 19) was in possession of a Corona beer. She presented to Investigators a fraudulent Maine driver's license.
- 4. Underage #2, actual date of birth 6/4/1997 (age 20) was in possession of a mixed drink, vodka and cranberry. She presented to Investigators a fraudulent Maine driver's license.
- 5. Investigators made contact with the manager, Jonas Marine, and identified the underage individuals to him. Investigators also showed Mr. Marine and other staff members the fraudulent identifications used to gain entry to the premises and obtain alcoholic beverages.
- 6. Investigators informed Marine of the violations and that a report would be filed with the Chief Investigator for further review.

## CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 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 twenty-one (21) years of age (3 counts). The Commission suspends the license for a period of for seven (7) days of which three (3) 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

Elizabeth A. Lashway, Commissioner Elizabeth McNally

Dated: June 19, 2018

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.

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