

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

ONEIDA AQUINO DBA D'TODO PARTY CENTER
272 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400228
HEARD: 09/28/11(1)

Oneida Aquino dba D'Todo Party Center (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws Chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing Wednesday, September 28, 2011, regarding an alleged violations of M.G.L. Ch. 94 §186 (10 counts) detailed in Investigator Rose Egan-Bailey's Report.

The following documents are evidence:

1. Stipulation of Facts;
2. Occupancy Permit; and
3. Ten (10) Bottles of Liquor.

A. Photo.

There is one (1) tape of this hearing.

FACTS

1. On Friday, June 24, 2011 at approximately 10:00 p.m., Investigator Kujawski, Doyle and Bailey as well as Lt. Conway of Lawrence P.D. and a Lawrence Patrolman entered Oneida Aquino dba D'Todo Party Center, aka 'MVP Sports Lounge,' to address an anonymous complaint filed with the Commission.
2. Upon entry Investigators immediately identified themselves to a female identified as Oneida Aquino, the owner and license manager.
3. The owner and employees were on premise and appeared open for business.
4. However, Ms. Aquino informed investigators that the premise was not open on this evening, but they were conducting an inventory audit.
5. Investigator Kujawski and Doyle inspected the license premise.
6. All alcohol was found to be relocated to the first flow bar area and bar top.
7. Investigator Kujawski and Doyle inspected the alcoholic beverages.
8. While conducting the inspection of the bar investigators observed multiple bottles of alcoholic beverages containing a foreign matter, specifically fruit flies.

9. The following bottles were taken as evidence (Ex 3):
- Bols Orange Guracao, one (1) Liter
 - Jack Daniels Whiskey, one (1) Liter
 - Dekuyper Sloe Gin, one (1) Liter
 - Arrow Long Island Iced Tea, one (1) Liter
 - Bols Apricot Guracao Liquor, one (1) Liter
 - Bols Apricot Guracao Liquor, one (1) Liter
 - Tanqueray Gin, one (1) Liter
 - Hiram Walker Butterscotch Schnapps, one (1) Liter
 - Hiram Walker Sour Apple Schnapps, one (1) Liter
10. Investigator Bailey showed Aquino the confiscated evidence and informed her that a report would be submitted to the Chief Investigator for review.
11. Investigators exited the premise without incident.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. Ch. 94 §186 (10 counts). The Commission **suspends the license for five (5) days of which five (5) 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

Susan Corcoran, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: November 23, 2011

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 Investigating Officer
Rosemary Egan-Bailey, Investigator
Administration
File



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

November 28, 2011

ONEIDA AQUINO DBA D'TODO PARTY CENTER
272 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400228
HEARD: 09/28/11(2)

After a hearing on September 28, 2011, the Commission finds Oneida Aquino dba D'Todo Party Center in violation of 204 CMR 2.05(2)(8 counts), 204 CMR 2.01 (10), 204 CMR 2.05 (2) (2 counts) and 204 CMR 2.05 (2)(2 counts).

The Commission **suspends the licensee's license for a total of four (4) days to be served.** The suspension shall commence on **Wednesday, December 28, 2011** and terminate on **Saturday, December 31, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, December 28, 2011 at 9:00 A.M. It will be returned to the licensee Sunday, January 1, 2012.

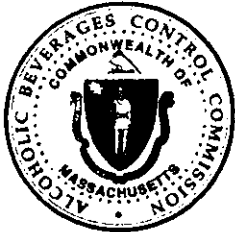
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

ONEIDA AQUINO DBA D'TODO PARTY CENTER
272 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400228
HEARD: 09/28/11(2)

Oneida Aquino dba D'Todo Party Center (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws Chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing Wednesday, September 28, 2011, regarding an alleged violations of 204 CMR 2.05(2)(8 counts), 204 CMR 2.01 (10), 204 CMR 2.05 (2) (2 counts) and 204 CMR 2.05 (2)(2 counts) prior to the commencement of the hearing the licensee stipulated to the facts detailed in Investigator Rose Egan-Bailey's Report.

The following documents are evidence:

1. Stipulation of Facts;
2. Occupancy Permit;
3. Investigator's Report; and
4. Certificate of Inspection.

There is one (1) tape of this hearing.

FACTS

1. On Friday, August 26, 2011, at approximately 11:30p.m., Investigator Binienda, Capurso, Keefe, and Bailey entered D'Todo Party Center to conduct enhanced enforcement operations.
2. Upon entry, Investigator Bailey identified herself to a male identified as Erik Vazquez.
3. Mr. Vazquez identified himself as the assistant manager.
4. When Investigator Bailey asked to speak with the owner, Onieda Aquino, Mr. Vazquez informed the investigator that the owner was not present.
5. In addition, Investigator Bailey asked Mr. Vazquez to see the liquor license as well as the occupancy permit.
6. Neither the liquor license nor the occupancy permit was posted in a conspicuous place where it can easily be read.
7. Investigator Bailey observed they were in a file folder located in an office beside the bar area.
8. The occupancy permit indicated an allowable occupant load (Ex 2):
 - First floor: 280
 - Second floor: 115

9. Based upon the requirements of 527 CMR 10.13 (2) (d) and 527 CMR 10.13 (2) (e), Investigator Bailey asked Mr. Vazquez to identify the verified the crowd manager on duty as well as to review tie daily fire and building safety checklist.
10. Mr. Vazquez was unaware of a required crowd manager or fire and building safety checklist.
11. While conducting the inspection of the first floor bar area, Investigator Keefe observed multiple bottles of alcoholic beverages containing foreign matter, specifically fruit flies.
12. The following bottles were taken as evidence (Ex 3):
 - Jose Cuervo Tequila, one (1) Liter
 - Jose Cuervo Tequila, one (1) Liter
 - Blue Curacco Mixer, one (1)
 - Liter Remy Martin, one (1) Liter
 - Johnnie Walker, one (1) Liter
 - Remy Red, one (1) Liter
 - Arrow Slow Gin, one (1) Liter
 - Grand Marnier, one (1) Liter
13. Investigators showed Mr. Vazquez the confiscated evidence and informed him of all the violations which would be submitted to the Chief Investigator.
14. Investigators exited the premise without incident.
15. On Saturday, August 27, 2011, at approximately 10:45 p.m., Chief Investigator Mahony, Investigator Capurso, Doyle and Bailey entered the premise to conduct additional enforcement operations.
16. Investigator Bailey asked to speak with the owner or assistant manager.
17. Investigator Bailey informed by a male employee, who identified himself as the bar back, that neither the owner nor assistant manager were present.
18. He stated that the assistant manager had to leave due to a family emergency.
19. Again, Investigator Bailey asked to see the completed fire and building safety checklist and speak with the crowd manager.
20. The male bar back had no knowledge regarding a crowd manager or safety checklist.
21. The investigator informed the bar back to contact the owner regarding the inspection and subsequent violation.
22. Investigators exited the premise without incident.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05(2)(8 counts), 204 CMR 2.01 (10), 204 CMR 2.05 (2) (2 counts) and 204 CMR 2.05 (2)(2 counts). The Commission suspends the license for sixteen (16) days of which four (4) days will be served and 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

Susan Corcoran, Commissioner Susan Corcoran

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

Kim S. Gainsboro, Chairman [Signature]

Dated: November 28, 2011

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 Investigating Officer
Rosemary Egan-Bailey, Investigator
Administration
File