



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

PEDRO VELEZ DBA FUEGO LATINO
465 BROADWAY
LAWRENCE, MA 01840
LICENSE#: 059400224
HEARD 06/27/2012

Pedro Velez dba Fuego Latino (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, June 27, 2012, regarding the alleged violation of 204 CMR 2.05 (2), to wit: c. 138, §34C (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Guarino-Wilichoski's Investigative Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
 2. Investigator Guarino-Wilichoski's Report dated April 12, 2012;
 3. Resident Card Ms. Y. Dominguez Almengo; and
 4. RMV Printout for Underage.
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- A. Certificate of Completion for Crowd Manager Training Program dated October 8, 2011 for Mr. Juan Flete;
 - B. Certificate of Completion for Crowd Manager Training Program dated October 8, 2011 for Mr. Nelson Silva;
 - C. Certificate of Achievement for DFS-Crowd Manager Training Course dated June 6, 2011 for Mr. Jose Montas;
 - D. Certificate of Achievement for DFS-Crowd Manager Training Course for Mr. Frederick A. Diaz-Mella;
 - E. Certificate of Achievement for DFS-Crowd Manager Training Course for Mr. Pedro Velez;
 - F. Certificate of Achievement for DFS-Crowd Manager Training Course for Mr. Frederick A. Diaz-Mella; and
 - G. Certificate of Achievement for DFS-Crowd Manager Training Course for Mr. Hector Gomez.

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

FACTS

1. On Saturday, March 17, 2012, at approximately 12:30 a. m., Chief Investigator Mahony with Investigators Teehan, Temple, and Guarino, investigated the business operation of Pedro Velez dba Fuego Latino to determine how their business was being conducted.

2. Investigators' attention was drawn to a table with six (6) youthful looking persons sitting and drinking from red cups.
3. Investigators observed a bottle of Johnny Walker on ice at the table, and asked what beverage was in the red cup.
4. A male individual informed investigators that his cup contained Johnny Walker and coconut juice. He stated he paid one hundred and ninety (190) dollars for the bottle.
5. Investigators checked all patrons seated at this table for proof of age.
6. One (1) female patron provided investigators with a Permanent Resident card bearing the name of Almengo Dominguez.
7. A second female patron provided investigators with her authentic New York Driver's License in the name of Almengo Dominguez.
8. The first female admitted she was under twenty-one (21) years of age and provided her true information: Ms. Y. Delacruz, date of birth October 30, 1992, age twenty (20) years.
9. Ms. Delacruz admitted using the Permanent Resident Card to gain access to the establishment. She stated she only drank one (1) cup containing Johnny Walker and coconut juice.
10. Investigators attempted to speak with the manager on duty [but were unable to do so.]
11. Security did not seem to recognize the seriousness of the situation re: underage drinking.

CONCLUSION

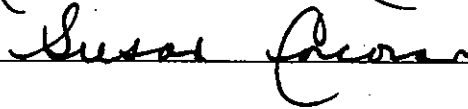
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: c. 138, §34C (1 count). As the matter is moot due to revocation of the licensee's license, the Commission will take no further action on this matter.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally Commissioner



Susan Corcoran, Commissioner



Dated: July 31, 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
 Caroline Guarino-Wilichoski, Investigator
 John J. Russell, Esq., via facsimile
 Administration
 File