



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

BLUE SHAMROCK INC.
105 MARKET STREET
LOWELL, MA 01852
LICENSE#: 0630-00174
VIOLATION DATE: 9/27/2018
HEARD: 1/22/2019

Blue Shamrock Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, January 22, 2019, 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 to a person under twenty-one years of age (4 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee Stipulation of Facts; and
3. Photocopy of Fraudulent Driver's Licenses.

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

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

FINDINGS OF FACT

1. On Thursday, September 27, 2018, Investigators Keefe, and Di Cicco ("Investigators") conducted an investigation of the business operation of Blue Shamrock Inc. to determine the manner in which its business was being conducted.
2. At approximately 10:55 p.m., Investigators entered the licensed premises and observed a group of youthful appearing individuals standing near the bar, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 8/26/1998 (age 20), was in possession of a rum and Coke®. He presented to Investigators a fraudulent Rhode Island driver's license.
4. Underage #2, actual date of birth 1/10/1999 (age 19), was in possession of a vodka and cranberry drink. She presented to Investigators a fraudulent Rhode Island driver's license.

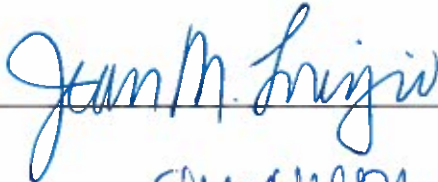
5. Underage #3, actual date of birth 5/05/1998 (age 20), was in possession of a vodka and Sprite® drink. She presented to Investigators a fraudulent Maine driver's license.
6. Underage #4, actual date of birth 1/30/1998 (age 20), was in possession of a vodka and cranberry drink. She presented to Investigators a fraudulent Rhode Island driver's license.
7. Investigators spoke to the head of security, Chris Noonan, and identified the underage individuals to him.
8. Investigators informed Mr. Noonan of the violations and that a report would be filed with the Chief Investigator for further action.
9. The Licensee has been in business for more than 20 years with no previous violation.

CONCLUSION

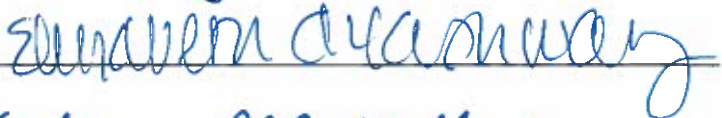
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (4 counts). Therefore, the Commission **suspends the license for a period of four (4) days which 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

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: January 23, 2019

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Mail to: 43 Staples St., Lowell
Administration, File