



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

October 25, 2019

**LCRC INC. D/B/A DUDLEY'S
19 MERRIMACK ST.
LOWELL, MA 01852
LICENSE#: 0630-00069
VIOLATION DATE: 4/04/2019
HEARD: 09/24/2019**

After a hearing on September 24, 2019, the Commission finds LCRC Inc. d/b/a Dudley's 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 (6 counts).

The Commission suspends the license for a period of six (6) days of which two (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.

By decision dated December 18, 2018, the Commission had previously ordered a 3-day license suspension of which 1 day to be served and two (2) days to be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above the Commission, in its discretion, hereby orders that suspension to be served on and after the two (2) day suspension. The Licensee will serve a total four (4) days.

The suspension shall commence on Monday, December 16, 2019 and terminate on Thursday, December 19, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, December 16, 2019 at 9:00 A.M. It will be returned to the licensee on Friday, December 20, 2019.

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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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Joe Di Cicco, Investigator
David McCool, Esq.
Administration, File



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DECISION

**LCRC INC. D/B/A DUDLEY'S
19 MERRIMACK ST.
LOWELL, MA 01852
LICENSE#: 0630-00069
VIOLATION DATE: 4/04/2019
HEARD: 09/24/2019**

LCRC Inc. d/b/a Dudley's (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, September 24, 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 (6 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report;
2. Licensee Stipulation of Facts;
3. Photocopy of Fraudulent Driver's Licenses;
4. Copies of Genuine Driver's Licenses;
5. Copies of College Identifications and Fraudulent Identifications;
6. ABCC Amended Decision, 12/18/2019;
7. ABCC Decision, 9/12/2018;
8. Copy of License Transfer Approval, 1/1/2015.

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

FINDINGS OF FACT

1. On Thursday, April 4, 2019, at approximately 11:30 p.m., Investigators Di Cicco and Keefe ("Investigators") conducted an investigation of the business operation LCRC Inc. d/b/a Dudley's to determine the manner in which its business was being conducted and to investigate a complaint filed with this Commission.

2. Investigators entered the licensed premises and observed six youthful appearing individuals seated at a table, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 5/5/2000 (age 18) was in possession of a bottle of Bud Light beer. He presented to Investigators his true Massachusetts driver's license. Underage #1 stated that he was not asked for identification at the door nor at the bar when he ordered drinks.
4. Underage #2, actual date of birth, 2/29/2000 (age 19), was in possession of a vodka and soda. She presented to Investigators a fraudulent Massachusetts driver's license.
5. Underage #3, actual date of birth, 8/2/2000 (age 18), was in possession of a margarita mixed drink. He presented to Investigators a fraudulent Massachusetts driver's license.
6. Underage #4, actual date of birth, 11/02/2000 (age 19), was in possession of a vodka and soda. She presented to Investigators a fraudulent Massachusetts driver's license.
7. Underage #5, actual date of birth, 7/23/2000 (age 18), was in possession of a draft Bud Light beer. She presented to Investigators a fraudulent Connecticut driver's license.
8. Underage #6, actual date of birth, 10/12/1999 (age 19), was in possession of a draft Bud Light beer. She presented to Investigators a fraudulent Connecticut driver's license.
9. All the underage individuals stated to Investigators that they were not asked for identification at the door nor when anyone ordered drinks.
10. Investigators informed the manager on duty, Paul Regan, of the above violations. Regan stated that the bartender on duty was Eric Finn. Finn informed Regan and Investigators that he did not check the identifications of the youthful appearing individuals.
11. Investigators informed Regan that a report would be filed with the Chief Investigator for review.
12. The Licensee has been licensed under M.G.L. c. 138, § 12 since 2015 with two prior violations of Ch. 138, § 34C in 2018.
13. Through Counsel, Matthew Murphy, a shareholder of LCRC Inc. and the manager of record, informed the Commission that he had taken time from the business to care for his ailing parents. Mr. Murphy accepted responsibility for the violation but explained that he had hired an assistant manager to cover in his absence. Unbeknownst to Murphy, this employee was forging his signature and put the corporation deeply in debt. Once Murphy realized this, the employee was terminated. Mr. Murphy is again focused on the business and has taken steps to ensure minors are not able to obtain alcohol on the premises.

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 (6 counts). Therefore, the Commission **suspends the license for a period of six (6) days of which two (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.**

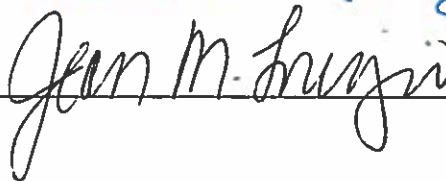
By decision dated December 18, 2018, the Commission had previously ordered a 3-day license suspension with one (1) day to be served and two (2) days to be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above the Commission, in its discretion, hereby orders that 2-day suspension to be served on and after the two (2) day suspension. The Licensee will serve a total four (4) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Dated: October 25, 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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