



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

November 4, 2019

**LD HOLDINGS LLC D/B/A BAR 74 LOUNGE & GRILL
76 MERRIMACK ST.
LOWELL, MA 01852
LICENSE#: 03090-RS-0630
VIOLATION DATE: 10/05/2018
HEARD: 09/17/2019**

After a hearing on August 6, 2019, the Commission finds LD Holdings LLC d/b/a Bar 74 Lounge & Grill 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 (9 counts).

The Commission **suspends the license for a period of eighteen (18) days of which nine (9) days will be served, and nine (9) 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 June 19, 2018, the Commission had previously ordered a 4-day license suspension with one (1) day to be served and three (3) 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 Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission, in its discretion, hereby orders that 3-day suspension to be served on and after the nine (9) day suspension. The Licensee will serve a total twelve (12) days.

The suspension shall commence on Monday, December 16, 2019 and terminate on Friday, December 27, 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 December 28, 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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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
Lisa Watson, Investigator
Joseph Di Cicco, Investigator
D. Keefe, M. Teehan, Investigators
Travis Jacobs, Esq.
Administration, File



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DECISION

**LD HOLDINGS LLC D/B/A BAR 74 LOUNGE & GRILL
76 MERRIMACK ST.
LOWELL, MA 01852
LICENSE#: 03090-RS-0630
VIOLATION DATE: 10/05/2018
HEARD: 09/17/2019**

LD Holdings LLC d/b/a Bar 74 Lounge & Grill (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, September 17, 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 (11 counts)¹. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Watson's Report.

The following documents are in evidence:

1. Investigator Watson's Investigative Report;
2. Photocopy of Fraudulent Driver's Licenses;
3. ABCC Decision, 6/19/2018;
4. LLA Decision, 3/28/2018;
5. Copy of License Transfer Approval, 2/8/2017;
6. Licensee Stipulation of Facts.

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

¹ Associate General Counsel Kyle Gill announced at the start of the hearing that although the hearing notice and Investigative Report cited eleven (11) violations, the Investigative Unit was only moving forward with nine (9) counts. Investigators determined that the Licensee reasonably relied on the Massachusetts identifications.

FINDINGS OF FACT

1. On Friday, October 5, 2018, at approximately 11:35 p.m., Investigators Di Cicco, Keefe, Teehan, and Watson (“Investigators”) conducted an investigation of the business operation of LD Holdings LLC d/b/a Bar 74 Lounge & Grill to determine the manner in which its business was being conducted.
2. Investigators observed several youthful appearing individual, throughout 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 3/26/1999 (age 19) was in possession of a Kamikaze mixed drink. She presented to Investigators a fraudulent Vermont driver’s license which she had used to gain entry to the premises.
4. Underage #2, actual date of birth, 11/22/1998 (age 19), was in possession of a Kamikaze mixed drink. She presented to Investigators an imposter Massachusetts driver’s license in another person’s name which she had used to gain entry to the premises. Investigators determined that the Licensee reasonably relied on this identification.
5. Underage #3, actual date of birth, 8/15/1998 (age 20), was in possession of a rum and Coke® mixed drink. He presented to Investigators a fraudulent Maine driver’s license which he had used to gain entry to the premises.
6. Underage #4, actual date of birth, 12/12/1998 (age 19), was in possession of a vodka and soda. He presented to Investigators a fraudulent Maine driver’s license which she had used to gain entry to the premises.
7. Underage #5, actual date of birth, 2/16/1998 (age 20), was in possession of a Bud Light beer. She presented to Investigators a fraudulent New Hampshire driver’s license which she had used to gain entry to the premises.
8. Underage #6, actual date of birth, 4/24/1998 (age 20), was in possession of a rum and Coke® mixed drink. She presented to Investigators a fraudulent Connecticut driver’s license in another person’s name which she had used to gain entry to the premises.
9. Underage #7, actual date of birth, 10/02/1999 (age 19), was in possession of a rum and Coke® mixed drink. She presented to Investigators an imposter Massachusetts driver’s license in another person’s name which she had used to gain entry to the premises. Investigators determined that the Licensee reasonably relied on this identification.
10. Underage #8, actual date of birth, 12/12/1999 (age 18), was in possession of a rum and Coke® mixed drink. She presented to Investigators a fraudulent Connecticut driver’s license in another person’s name which she had used to gain entry to the premises.
11. Underage #9, actual date of birth, 11/02/1999 (age 18), was in possession of a rum and Coke® mixed drink. She presented to Investigators a fraudulent Connecticut driver’s license in another person’s name which she had used to gain entry to the premises.

12. Underage #10, actual date of birth, 7/10/1998 (age 20), was in possession of a Corona beer. She presented to Investigators a fraudulent Michigan driver's license which she had used to gain entry to the premises.
13. Underage #11, actual date of birth, 11/28/1997 (age 20), was in possession of a Corona beer. He presented to Investigators a fraudulent Wisconsin driver's license which he had used to gain entry to the premises.
14. Investigators informed the bartender on duty of the above violations and that a report would be filed with the Chief Investigator for further action.
15. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with a prior violation of M.G.L. c. 138, § 34C in 2018.

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 (9 counts). Therefore, the Commission suspends the license for a period of eighteen (18) days of which nine (9) days will be served, and nine (9) 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 June 19, 2018, the Commission had previously ordered a 4-day license suspension with one (1) day to be served and three (3) 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 Licensee violated the conditions of that three (3) day suspension being held in abeyance. The Commission, in its discretion, hereby orders that 3-day suspension to be served on and after the nine (9) day suspension. The Licensee will serve a total twelve (12) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman Jean M. Lorizio

Kathleen McNally, Commissioner Kathleen McNally

Dated: November 4, 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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