



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

DECISION

THE MIDDLE STREET VILLAGE INC. D/B/A THE VILLAGE SMOKEHOUSE
92-98 MIDDLE STREET
LOWELL, MA 01852
LICENSE#: 063000212
VIOLATION DATE: 6/07/2018
HEARD: 10/30/2018

The Middle Street Village Inc. d/b/a The Village Smokehouse (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, October 30, 2018, 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 by a person under twenty-one (21) years of age (1 count). 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; and
2. Licensee's Stipulation of Facts.

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, June 7, 2018, at approximately 12:10 a.m., Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of The Middle Street Village Inc. d/b/a The Village Smokehouse to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators observed a group of youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 7/13/1997 (age 20) was in possession of a bottle of Bud Light beer. She presented to Investigators a fraudulent Connecticut driver's license. The

underage patron stated that she had not been asked for identification when she entered the premises.

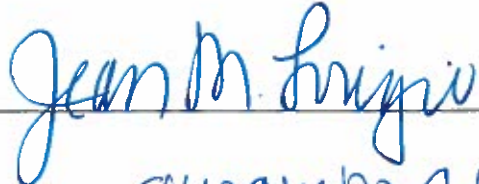
4. Investigators contacted Tim Kelleher, who stated he was the owner.
5. Investigators spoke with door man, who stated that the underage patron had entered the premises with a group of individuals and she was not asked for identification.
6. Investigators informed Mr. Kelleher of the violation and that a report would be filed with the Chief Investigator for review.
7. The Licensee has been in business over 10 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 by a person under twenty-one (21) years of age (1 count). Therefore, the Commission **suspends the license for a period of two (2) 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: October 31, 2018

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
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Robert Allen, Esq.
Administration, File