

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

November 27, 2012

JK WATERFRONT INC. DBA "ON THE ROCKS"
96 LAKEFRONT DRIVE
LUNENBURG, MA 01462
LICENSE#: 063600031
VIOLATION DATE: 09/01/2012
HEARD: 11/20/2012

After a hearing on November 20, 2012, the Commission finds JK Waterfront, Inc. dba "On The Rocks" in violation of 204 CMR 2.05 (2), to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 count).

The Commission **suspends the licensee's license for a total of four (4) days to be served. The suspension shall commence on Wednesday, January 9, 2013 and terminate on Saturday, January 12, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 9, 2013 at 9:00 A.M. It will be returned to the licensee **Sunday, January 13, 2013.**

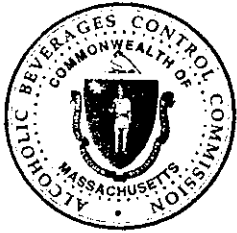
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

JK WATERFRONT INC. DBA "ON THE ROCKS"
96 LAKEFRONT DRIVE
LUNENBURG, MA 01462
LICENSE#: 063600031
HEARD: 11/20/2012

JK Waterfront, Inc. dba "On The Rocks" (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, November 20, 2012, regarding an alleged violation of 204 CMR 2.05 (2), to wit: 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 violation alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Saturday, September 1, 2012 at approximately 11:30 p. m., Investigators Keefe and Kujawski investigated the business operation of JK Waterfront, Inc. dba "On The Rocks."
2. Investigators entered the licensed premises and observed a youthful looking individual in possession of alcoholic beverages.
3. Investigators identified themselves to the individual and asked to see his identification. The following information was recorded: Cory Gillis, 50 Maple Ave, Leominster, MA, 01453, Date of Birth: January 14, 1992, age twenty (20).
4. Mr. Gillis was observed in possession of a Coors Light draft beer. Mr. Gillis resented to the investigators an expired Massachusetts driver's license (Exp. Date: May 28, 2011) bearing the name Bryan Bourgeois with a date of birth of May 28, 1989.
5. Mr. Gillis states that he was not asked for identification.
6. Investigators spoke with the bartender on duty, Christine Palermo, and advised her on the violation.
7. They informed her that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: 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 eight (8) days of which four (4) 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner

Susan Corcoran

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally

Kathleen McNally

Dated: November 27, 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
Jan Kujawski, Investigator
Administration
File