



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**KINGS BOWL OF LYNNFIELD LLC D/B/A KINGS
427 WALNUT STREET
LYNNFIELD, MA 01940
LICENSE#: 00033-RS-0640
VIOLATION DATE: 12/22/2022
HEARD: 5/02/2023**

Kings Bowl of Lynnfield LLC d/b/a Kings (the “Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, May 2, 2023, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch.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 Bolcome’s Report.

The following documents are in evidence:

1. Investigator Bolcome’s Report;
2. ABCC Form 43, New License Approval, 10/21/2013;
3. Photograph of Fraudulent Massachusetts Driver’s License Confiscated;
4. Licensee’s Stipulation of Facts.

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

FINDINGS OF FACT

1. On Thursday, December 22, 2022, Investigators Anderson and Bolcome (“Investigators”) inspected the business operation of Kings Bowl of Lynnfield LLC d/b/a Kings to determine the way its business was being conducted.
2. Investigators entered the licensed premises and observed a youthful appearing female individual, seated in a booth near the front entrance, in possession of what appeared to be an alcoholic beverage.
3. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.

4. Underage #1, actual date of birth 4/22/2003 (age 19), was in possession of a vodka raspberry mixed drink. She admitted to being 19 years of age and stated that she was not asked for any identification by the server.
5. Investigators approached a youthful appearing male individual in possession of a bottle of Michelob Ultra beer. Investigators identified themselves and asked to see proof of legal age.
6. Underage #2, actual date of birth 7/02/2002 (age 20) provided to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date. Investigators determined that the Licensee reasonably relied on this identification and therefore, did not charge any additional violation.
7. Investigators spoke with the manager on duty and informed him of the violation and that a report would be filed with the Chief Investigator for further review.
8. Mr. Leo Fonseca, Chief Operating Officer, appeared at the Commission hearing and testified that he conducted an investigation into this incident. He learned Underage #1 was seated at a table with individuals who were over 21 years of age, and it is believed she took a drink intended for another patron. As a result, the Licensee has retrained staff with a focus on the safe service of alcohol and requesting identification. To prevent future incidents such as this, the Licensee closely monitors tables at which there may be patrons of different ages.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2013 with no prior violations.

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: Ch.138 §34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age. (1 Count). Therefore, the Commission **issues a WARNING.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner

Deborah A. Baglio

Crystal Matthews, Commissioner

Crystal Matthews

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman

Jean M. Lorizio

Dated: June 12, 2023

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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2023-000025-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
David Bolcome, Investigator
Melissa Anderson, Investigator
Administration, File