



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**3 COMPADRES LLC D/B/A 3 AMIGOS RESTAURANT
375 MAIN STREET
MALDEN, MA 02148
LICENSE#: 03638-RS-0646
VIOLATION DATE: 10/16/2020
HEARD: 10/26/2021**

3 Compadres LLC d/b/a 3 Amigos Restaurant (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, October 26, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (3 Counts). 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 Report;
2. ABCC Application Summary Review, License Transfer Approved, 9/22/2017;
3. Photocopy of Confiscated Identification;
4. Massachusetts Registry of Motor Vehicles Printout with Color Picture;
5. Licensee Stipulation of Facts;

A. TIPS Certificates.

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

FINDINGS OF FACT

1. On Friday, October 16, 2020, at approximately 10:00 p.m., Investigators Quinn and Di Cicco ("Investigators"), conducted an inspection of the business operation of 3 Compadres LLC d/b/a 3 Amigos Restaurant to determine the manner in which its business was being conducted.
2. As Investigators entered the licensed premises, they made contact with the manager and reviewed the COVID-19 guidelines and Sector Specific Safety Standards for Restaurants with her.

3. Investigators observed a group of three youthful appearing female individuals seated at a high-top table, in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
4. Underage #1, actual date of birth 4/10/2001 (age 19), admitted she was under 21 years of age and informed Investigators she was in possession of a Margarita mixed drink. She informed Investigators that when ordering the Margarita, she presented a Massachusetts driver's license in another person's name with a different birth date. Investigators did not see a resemblance between Underage #1 and the person pictured on the imposter driver's license.
5. Underage #2, actual date of birth 12/20/2003 (age 16), admitted she was under 21 years of age and stated she was in possession of a Margarita mixed drink. She informed Investigators that she had not presented any identification when she ordered the alcoholic beverage.
6. Underage #3, actual date of birth 8/01/2003 (age 17), admitted she was under 21 years of age and stated she was in possession of a Margarita mixed drink. She informed Investigators that she had not presented any identification when she ordered the alcoholic beverage.
7. Investigators spoke with the employee who served the alcoholic beverages to the underage patrons, and she stated she had requested identification from Underage #1 but not from Underage #2 or Underage #3 because they had told her they had been at the restaurant last week and did not have their identification.
8. Investigators informed the manager of the violations and that a report would be submitted to the Chief Investigator for review.
9. David Castro, LLC Manager of the Licensee entity, appeared at the Commission hearing. He testified he was not present on the night of the Investigators' visit but he immediately held a meeting with all employees and explained the importance of checking identification. In addition, he made sure all employees who serve alcohol received TIPS certification. At this time, all employees are TIPS certified.
10. Ms. Roxana Huezo, Manager of Record, also appeared at the Commission hearing and testified she participated in the meeting with all employees regarding the importance of preventing minors obtaining alcohol.
11. Fatima Flores, a Licensee employee, appeared at the Commission hearing. Ms. Flores was the employee who served the underage patrons. She testified she asked them for identification and only one of them presented identification. She acknowledged her mistake in taking the other two patrons at their word when they stated they did not have identification with them but had been in the restaurant the week before. She attended the meeting with Mr. Castro and Ms. Huezo held after the incident and is TIPS certified.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with no prior violations.

CONCLUSION

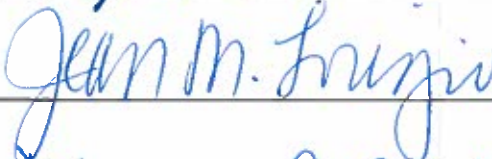
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (3 Counts). Therefore, the Commission suspends the license for a period of 5 days which are hereby deemed served.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Deborah A. Baglio, Commissioner



Dated: June 1, 2022

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
Kyle E. Gill, Esq., Associate General Counsel
Katelyn Quinn, Investigator
Patrick P. MacDonald, Esq.
Administration, File