



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**AMRUT CORPORATION D/B/A ELIXIR LOUNGE  
224 EAST STREET, BUILDING A  
METHUEN, MA 01844  
LICENSE #: 00130-RS-0696  
HEARD: 11/30/2022 and 12/08/2022**

This is an appeal from the action of the City of Methuen Licensing Board (the “Local Board” or “Methuen”) in revoking the §12 all alcoholic beverages license of Amrut Corporation d/b/a Elixir Lounge (the “Licensee” or “Amrut” or “Elixir”) located at 224 East Street, Building A, Methuen, Massachusetts. The Licensee timely appealed the Local Board’s decision to the Alcoholic Beverages Control Commission (the “Commission” or “ABCC”), and remote hearings were held via Microsoft Teams on Wednesday, November 30, 2022, and Thursday, December 8, 2022.

The following documents are in evidence as exhibits:

Appellant Exhibits:

1. City of Methuen Assessor Map;
2. Photograph- Aerial view of 224 East Street, Methuen;
3. Photograph- Street view of 224 East Street, Methuen;
4. Elixir Lease re: 224 East Street, Building A, Methuen;
5. Licensing Board Approval of Elixir All Alcohol License, 1/08/2014;
6. Police Notice re: Licensing Board Suspending Elixir’s All Alcohol License, 7/23/2022;
7. Secretary of Commonwealth Business Summary re: Amrut Corp.;
8. Methuen Building Inspector Notice of Closure, 7/23/2022;
9. Notice of Hearing 1, 8/23/2022 and police reports;
10. Notice of Hearing 2, 9/8/2022;
11. Patron Scan Occupancy Count Report;
12. News Article re: Shooting at Methuen Hookah Bar;
13. Emails with City of Methuen re: Reinstatement of Certificate of Occupancy;
14. Elixir Plan re: Reinstatement of Certificate of Occupancy;
15. Certificates of Completion re: Crowd Management;

16. Elixir food, beverage and hookah menu.

Appellee Exhibits:

- A. Copy of Amrut Corporation 2022 License;
- B. Notice of Revocation of Certificate of Occupancy 7/23/2022;
- C. Notice of Revocation of Alcohol License, 10/19/2022;
- D. Appellant's Appeal of Revocation, 10/27/2022;
- E. Methuen Police Department Report of Officer Schiavone #2200018982-00025114;
- F. Methuen Police Department Report of Sgt. Shawn Moore # 2200018982-00025128;
- G. Methuen Police Department Report of Off. Jeffrey McAndrew #2200018982-00025110;
- H. Methuen Police Department Report of Off. Lawrence May #2200018982-00025135;
- I. Methuen Police Department Report of Off. Arthur Handy #2200018982-00025177;
- J. Methuen Police Department Report of Off. James Keating #2200018982-00025108;
- K. Methuen Police Department Report of Off. Stephen DeLeo #2200018982-00025111;
- L. Methuen Police Department Report of Off. Joshua Waller #2200018982-00025115;
- M. Methuen Police Department Report of Off. Robert Gordon #2200018982-00025129;
- N. Methuen Police Department Report of Off. Stephen Hatem #2200018982-00025131;
- O. Methuen Police Department Report of Off. James Smith #2200018982-00025134;
- P. Methuen Police Department Report of Off. Felicia Bistany #2200018982-00025151;
- Q. Methuen Police Department Report of Off. Elvin Alarcon #2200018982-00025155;
- R. Methuen Police Department Report of Off. Nicholas Conway #2200018982-00025635.

There is one audio recording of this hearing and ten (10) witnesses testified.

FINDINGS OF FACT

The Commission makes the following findings based on the evidence presented at the hearing:

1. Amrut Corporation d/b/a Elixir Lounge ("Licensee" or "Amrut" or "Elixir") holds a §12 all alcoholic beverages license and operates a business located at 224 East Street, Building A, Methuen, Massachusetts. The Licensee has held a §12 all alcohol beverage license since 2014. (Testimony, Exhibits 5, A)
2. Mr. Vipul Patel ("Mr. V. Patel") is President, Treasurer, Director, and Manager of Record of Amrut. Pradip Patel is Secretary and Director of the Licensee corporation. Sunil Patel is Director of the corporation. (Testimony, Exhibit 7)
3. 224 East Street, Methuen is a multi-commercial lot with two buildings and a shared parking lot ("Parking Lot") which is used by Elixir and other businesses located at 224 East Street. (Testimony, Exhibits 1, 2, 3, 4)

4. Elixir rents the licensed premises, and its lease gives Elixir “the non-exclusive right to use all parking spaces available on the property and any contiguous lots...” (Testimony, Exhibit 4)
5. Nilsson de Vasconcelos is the Licensee’s head of security and general manager and has several years’ experience in the industry. Mr. de Vasconcelos was working on the night of July 22, 2022, and into the early morning hours of July 23, 2022. (Testimony)
6. Elixir security personnel staff the entrance using Patron Scan and require patrons to go through several security protocols before gaining entry to the licensed premises which includes showing a valid government issued ID; scanning the ID; undergoing a pat/frisk; passing through metal detector; and subjecting possessions to search by staff. Id.
7. Patrons may enter Elixir by reservation only. Security personnel stationed at the entrance confirm the patron’s name is on the reservation list. Security staff search the patrons’ pockets and purses and use a hand-held metal detector wand. Only five people at a time are let into Elixir and all patrons are checked in the same manner. Once the search is completed, the patrons go through doors and have IDs ready to be scanned at a second security point. If a patron does not have a reservation, they may wait in a separate line until something becomes available. Id.
8. On July 22-23, 2022, between the hours of 10:00 p.m. and 2:00 a.m., Officers Schiavone and Keating of the Methuen Police were working a police detail at the licensed premises. The detail officers were posted outside the entrance of Elixir and periodically walked the perimeter to look for illegal activity and to ensure no one accessed the licensed premises other than through the front doors, assist with crowd control, and maintain order. If something required police intervention either inside or outside, the detail officers were to respond as needed. Id.
9. A fire detail was also on duty at Elixir’s front entrance for crowd management and capacity limits. Id.
10. Officer Schiavone did not observe any disturbances or altercations prior to the shots being fired in the parking lot. Nothing occurred that would indicate to Officer Schiavone a police presence was necessary other than to assist in maintaining order at the entrance/exit. Id.
11. Officer Schiavone was not inside Elixir prior to closing time when he entered the foyer area. At that time patrons were actively exiting. Id.
12. Officer Schiavone was stationed at the front door to ensure patrons were leaving Elixir in an orderly manner and Officer Keating followed a group of patrons into the parking lot. Id.
13. Moments later, shots rang out and Officer Keating radioed “shots fired”. Officer Schiavone was unclear as to whether the noise he heard was shots fired or fireworks. He confirmed it was gunshots once he located a victim. He then broadcast “shots fired” and reported that there was a victim on scene. His immediate attention was given to the gunshot victim. (Testimony, Exhibit F)

14. Sargeant Shawn Moore responded to the licensed premises upon receiving the radio transmission of shots fired and observed approximately one hundred and fifty people in the parking lot. For public safety and the safety of officers, Sgt. Moore ordered officers to close the parking lot which was now a crime scene, ensuring no one was able to leave the lot. Id.
15. All patrol cars available were called to Elixir and Sgt. Moore made repeat radio broadcasts for mutual aid. Officers from several surrounding municipalities responded, as well as State Police. (Testimony)
16. Sgt. Moore never entered the licensed premises and was not present prior to his responding to the report of gunshots in the parking lot. Id.
17. Sgt. Eric DeLeon was on desk duty as the commanding officer of the midnight shift on July 23, 2022. He requested mutual aid and directed dispatchers to put out request for mutual aid, however he was not present at the licensed premise on July 22<sup>nd</sup> or 23<sup>rd</sup>. Id.
18. Two (2) firearms were recovered in motor vehicles in the parking lot outside of the licensed premises. Id.
19. There was no evidence presented that the victim or suspects were inside the licensed premises on July 22<sup>nd</sup> or July 23, 2022. Id.
20. Mr. Patel was working at the licensed premises on July 22, 2022, and into the morning of July 23, 2022. He did not observe any disturbances or fights, and none were reported to him. Id.
21. Mr. de Vasconcelos was working inside the licensed premises when shots were fired. An employee notified him of the shooting and he proceeded outside where he spoke with Officers Schiavone and Keating. Mr. de Vasconcelos did not observe anything inside the licensed premises that would have indicated anything other than a calm night. Id.
22. Ms. Valentina Abreu is employed as a server at the licensed premises and was working on the night of July 22, 2022, and into the morning of July 23, 2022. She arrived at Elixir at approximately 8:30 p.m. She learned of the shooting while cleaning at approximately 1:30 a.m. She did not observe any disturbance or fight that night. Id.
23. Ms. Denise Berube is employed as an assistant manager at Elixir and was working on the night of July 22, 2022, and into the morning of July 23, 2022. She arrived at the licensed premise between 5:30 and 6:00 p.m. She learned of the shooting at approximately 1:50 a.m. when she overheard a conversation about an incident outside. She had not observed any disturbances or fights during the night. Id.
24. The City of Methuen police department notified Elixir by letter dated July 23, 2022, that the Licensing Board voted to suspend its license immediately pending the results of the Methuen Police Department Investigation into the events of July 23. (Exhibit 6)