

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 6, 2017

**CORK COUNTY INC. D/B/A SLAINTE IRISH PUB & GRILLE
34 UNION ST.
NEW BEDFORD, MA 02740
LICENSE#: 0778-00149
VIOLATION DATE: 04/27/2017
HEARD: 09/05/2017**

After a hearing on September 5, 2017, the Commission finds Cork County Inc. d/b/a Slainte Irish Pub & Grille 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 (3 Counts).

The Commission suspends the license for a period of eleven (11) days of which two (2) days will be served and nine (9) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, October 25, 2017 and terminate on Thursday, October 26, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 25, 2017 at 9:00 A.M. It will be returned to the licensee on Friday, October 27, 2017.

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 which must be signed by the Licensee and 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

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda, Investigator
Dennis Keefe, Investigator
Administration, File



Jean M. Lorizio, Esq.
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DECISION

**CORK COUNTY INC. D/B/A SLAINTE IRISH PUB & GRILLE
34 UNION ST.
NEW BEDFORD, MA 02740
LICENSE#: 0778-00149
VIOLATION DATE: 04/27/2017
HEARD: 09/05/2017**

Cork County Inc. d/b/a Slainte Irish Pub & Grille (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, September 5, 2017, 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 (3 Counts). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Binienda's report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report;
2. Licensee's Stipulation of Facts;
3. False Identifications of Two Underage Patrons; and
4. RMV Printouts for the Three Underage Patrons.

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, April 27, 2017, at approximately 11:55 p.m., Investigators Keefe and Binienda ("Investigators") conducted an investigation of the business operation of Cork County Inc. d/b/a Slainte Irish Pub & Grille to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed several youthful appearing patrons in possession of an alcoholic beverage.

3. Investigators approached these individuals, identified themselves, and asked to see identification.
4. Underage #1, actual date of birth 9/28/1996 (age 20), was in possession of a Bud Light beer. Underage #1 presented to Investigators a fraudulent Maine driver's license which she used to gain entry to the establishment. She stated the bartender had not asked for her identification.
5. Underage #2, actual date of birth 6/26/1998 (age 18), was in possession of a Bud Light beer. Underage #2 presented to Investigators a fraudulent Rhode Island driver's license which she used to gain entry to the establishment. She stated the bartender had not asked for her identification.
6. Underage #3, actual date of birth 5/06/1996 (age 20), was in possession of a Bud Light beer. Underage #3 stated the doorman knows her and didn't ask for her identification. She stated the bartender had not asked for her identification.
7. Investigators informed Barry Flynn, the owner, of the violations and that a report would be filed with the Chief Investigator for further action.
8. Administrative review of the Licensee's Commission files shows the Licensee has been in business more than 15 years 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. c. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one (21) years of age (3 Counts). Therefore, the Commission **suspends the license for a period of eleven (11) days of which two (2) days will be served and nine (9) 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

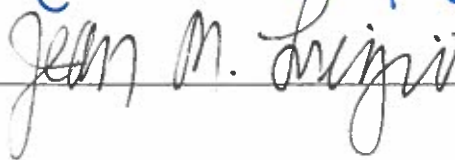
Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Dated: September 6, 2017

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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