



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

DECISION

MILO ENTERPRISES LLC DBA CLUB DIVA'S OF NORTHAMPTON
492 PLEASANT STREET
NORTHAMPTON, MA 01060
LICENSE#: 090000008
HEARD: 04/12/2011

Milo Enterprises, LLC dba Club Diva's of Northampton (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 12, 2011, regarding an alleged violation of 204 CMR 2.05 (1). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Jamie Binienda's Report.

There is one (1) tape of this hearing.

FACTS

1. On Friday, November 12, 2010, at approximately 11:00 p.m., Investigators Binienda and Keefe investigated the business operation of Milo Enterprises, LLC dba Club Diva's of Northampton.
2. The investigators entered the premises and were asked to pay a fifteen (15) dollar cover charge. Investigator Binienda noticed that there was not a sign posted for the cover charge outside of the licensed premises and that they were not given printed receipts.
3. Throughout the evening, Binienda watched people enter the premises and none of them were given a numbered printed receipt.
4. The Investigators left the premises and returned later in the evening.
5. At approximately 1:23 a.m., the Investigators, along with Northampton Police Officer Victor Caputo entered the premises.
6. The manager on record was informed that a violation was made regarding the cover charge and lack of receipt and that a report would be made to the Alcoholic Beverages Control Commission.

DISCUSSION

The investigators testified that they went into the establishment and the Manager/ Licensee was very cooperative. The licensee testified that she had the license for nine (9) years without any violations and she was unaware that she had to post a cover charge.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (1) and therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

Robert H. Cronin, Commissioner *Robert H Cronin*

Dated: May 10, 2011

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
Jamie Binienda, Investigator
File