



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**NOTICE OF SUSPENSION**

February 10, 2016

**Y NOT BAR AND LOUNGE LLC**  
**391 NORTH STREET**  
**PITTSFIELD, MA 01201**  
**LICENSE#: 097400216**  
**VIOLATION DATE: 10/15/2015**  
**HEARD: 02/02/2016**

After a hearing on February 2, 2016, the Commission finds Y Not Bar and Lounge LLC violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: 780 CMR 121.1 Overcrowding.

Therefore the Commission **suspends the license for a period of three (3) days of which one (1) day will be served, and two (2) 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, March 30, 2016 and terminate on Wednesday, March 30, 2016.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, March 30, 2016 at 9:00 A.M. It will be returned to the Licensee Thursday, March 31, 2016.

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**

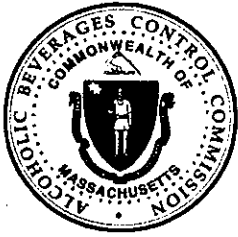
Kim S. Gainsboro  
Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Christopher Temple, Investigator  
Joseph DiCiccio, Investigator  
Seth B. Orkand Esq. via facsimile 617-265-2300  
Administration  
File



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**DECISION**

**Y NOT BAR AND LOUNGE LLC**  
**391 NORTH STREET**  
**PITTSFIELD, MA 01201**  
**LICENSE#: 097400216**  
**VIOLATION DATE: 10/15/2015**  
**HEARD: 02/02/2016**

Y Not Bar and Lounge LLC (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, February 2, 2016, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: CMR 121.1 Overcrowding. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Temple's report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report dated October 19, 2015; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

**FACTS**

1. On Thursday, October 15, 2015, at approximately 10:00 p.m., Investigators DiCicco and Temple ("Investigators") accompanied by members of the Pittsfield Police Department, the Massachusetts State Police and the Berkshire County District Attorney Task Force, investigated the business operation of Y Not Bar and Lounge LLC to determine the manner in which their business was being conducted.
2. Upon entering the licensed premises, Investigators observed there was no doorman on duty and the premises was extremely crowded.

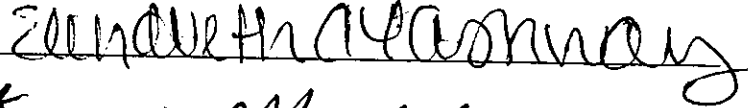
3. Investigators had difficulty maneuvering to the back of the bar as the crowd stood shoulder to shoulder in the only walkway extending from the front to the rear of the premises.
4. Investigators spoke to the night manager, John Burns, who informed them that the capacity for the bar was 49.
5. Investigator DiCicco conducted a patron count, utilizing a counter device, and determined there were 80 individuals on the premises. Investigators also observed more individuals entering the premises.
6. Investigators and Lt. Grady, of the Pittsfield Police Department, informed Mr. Burns of the violation. Lt. Grady requested that the premises come into compliance with its licensed capacity.
7. Investigators expressed their concern for patrons' safety in the event an emergency were to occur.
8. Mr. Burns stated to Investigators that he would place a doorman at the entrance to help reduce the capacity on the premises.
9. While waiting for the reduction of patrons, Investigators observed individuals still entering the premises.
10. Lt. Grady observed individuals, from the bar, in possession of alcoholic beverages outside of the premises.
11. Investigators informed Mr. Burns that a report would be filed with the Chief Investigator for further action.

#### CONCLUSION

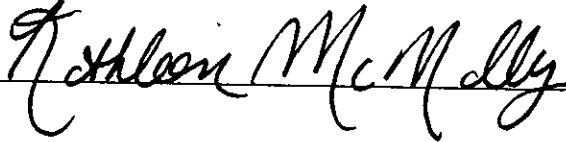
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: 780 CMR 121.1 Overcrowding. Therefore the Commission **suspends the license for a period of three (3) days of which one (1) day will be served, and two (2) days 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



Dated: February 10, 2016

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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