



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**ALLSTRUM INC. D/B/A ATLANTIC HOUSE
4-6 MASONIC PLACE
PROVINCETOWN, MA 02657
LICENSE#: 1004-00057
VIOLATION DATE: 7/19/2019
HEARD: 10/29/2019**

Allstrum Inc. d/b/a Atlantic House (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, October 29, 2019, regarding an alleged violation of 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Binienda's report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Copy of License Transfer Approval, 1/29/2008;
4. ABCC Decision, 1/20/2017;
5. Email 9/17/2019 from Local Licensing Board re: Capacity of Premises.

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

FINDINGS OF FACT

1. On Friday, July 19, 2019, at approximately 10:45 p.m., Investigators Smith and Binienda ("Investigators") investigated the business operation of Allstrum Inc. d/b/a Atlantic House to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators noticed that the establishment was extremely crowded. Investigators observed that the doorman on duty was not keeping a count of how many patrons entered and exited the premises.

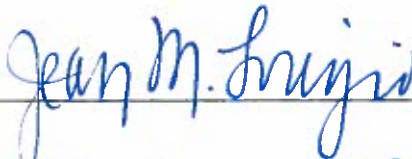
3. Investigators then went upstairs, conducted a visual count of the crowd, and observed approximately 85+ patrons on the second floor. The posted permit for the second-floor capacity is 60 persons.
4. Investigators identified themselves to the manager on duty, Lawrence Yahn, and informed him that the doorman did not have a counter and was not keeping a count of the individuals on the premises.
5. Investigators informed Mr. Yahn of the violation and that a report would be filed with the Chief Investigator for further action.
6. The Licensee, through its Counsel Christopher Snow, informed the Commission that extensive staff training has been conducted and efforts have been focused to ensure a proper count of patrons is kept at all times.
7. The Licensee has held this license under M.G.L. c. 138, § 12 since 2008. The business has been operated by the same family for more than 60 years with only one prior violation in 2016.

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: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited. Therefore, the Commission **suspends the license for two (2) days of which 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

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: November 5, 2019

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
Jamie Binienda, Investigator
Nicole Smith, Investigator
Christopher J. Snow, Esq. via facsimile 508-427-2694
Administration, File