



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**SOL Y SAL LLC
1179 NORTH MAIN STREET
RANDOLPH, MA 02368
LICENSE#: CR-LIC-000191
VIOLATION DATES: 11/05/2023
HEARD: 3/05/2024**

Sol Y Sal LLC (the "Licensee") holds a Caterer's alcohol license issued pursuant to M.G.L. c. 138, § 12C. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, March 5, 2024, regarding an alleged violation of M.G.L. Ch. 138 § 12C: The Commission may issue an annual caterer's license to an operator of a catering business for the sale and service of alcoholic beverages to be served and drunk on the premises where the operator caters a private event that is not open to the public; Prior to 48 hours before the start of a catered event where alcoholic beverages shall be served, a caterer licensed under this section shall provide written notice to the police chief and the local licensing authority of the city or town wherein the event will be held. The notice shall include the following information: (1) a copy of the caterer's license; (2) proof of liquor liability insurance; and (3) emergency contact information of the manager of the catering company.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Terasconi Report.

The following documents are in evidence:

1. Investigator Terasconi's Report;
2. ABCC Advisory re: Compliance During the Holiday Season, 12/14/2021;
3. ABCC FAQ's [sic] for the 12C Caterer's License, 10/23/2012;
4. Boss Babes & Brunch Boston Google Advertisement;
5. Screenshots of Website re: Boss Babes & Brunch Event;
6. Screenshots of Sol Y Sal's Website & Instagram Page;
7. Brockton Police Lieutenant Bonanca's Email Complaint to Chief Mahony, 11/7/2023;
8. Sol Y Sal's 2022 and 2023 Caterer's Licenses;
9. Licensee Stipulation of Facts.

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

FINDINGS OF FACT

1. On Tuesday, November 7, 2023, the Investigative and Enforcement Division received a complaint regarding Sol Y Sal LLC. The complaint alleged the Licensee did not provide the proper notice to the Local Licensing Authority ("LLA" or "Local Board") or to the Brockton Police Chief ("local Police Department") for an event Sol Y Sal catered on Sunday, November 5, 2023, at 340 Warren Street, Brockton, Massachusetts.
2. On Thursday, November 9, 2023, Investigators Gardner and Terasconi met with the Licensee, Nicole Pimentel, regarding the complaint filed with this Commission. Ms. Pimentel stated that she did serve alcohol at the event held on November 5th.
3. When Investigators asked Ms. Pimentel if she had provided notice to the Local Licensing Authority and local police department, she stated that she was not aware that she was required to notify the local board. Ms. Pimentel stated that she had called the local police department and spoke with an employee.
4. Ms. Pimentel stated her company is a preferred caterer for Venue 727. Venue 727 referred Sol Y Sal to Boss Babes & Brunch ("Boss Babes"), who hosted the event. She stated this was a private event to which Boss Babes sold tickets to local vendors who attended to promote their businesses.
5. Investigators conducted an electronic search of Boss Babes website which indicated that the November 5th event was advertised online. Boss Babes offered general admission tickets, with the time and location of the event.
6. A review of the ABCC FAQs for holders of a M.G.L. c. 138, §12C caterer's license states for the event being catered must be a "private event that is not open to the public"; specifically, a private event is defined as an event "which a) has a host; and b) has restricted access to invited guests only; and c) was not publicly advertised."
7. The ABCC Advisory, Compliance Issues During This Holiday Season, states that "in determining whether an individual §12 licensee is holding an event that will be considered a "private function" within the meaning of 204 CMR §§ 4.00, et seq. The licensee must demonstrate that: 1. The private function has a host; 2. Access to the private function is restricted to invited guests; 3. Invited guests are not charged indirectly or directly; 4. The host is the only individual responsible for payment to the licensee; 5. The private function was not publicly advertised; 6. Written records containing the guest list exist and are available for inspection by the licensing authorities.
8. Investigators asked Ms. Pimentel if she was paid by Boss Babes or Venue 727. She stated that neither company paid her as the event was a "cash bar".
9. The Licensee has held a license under M.G.L. c. 138, § 12C since 2022 with no prior violations.
10. Nicole Pimentel, Licensee, appeared at the Commission hearing and testified she believed the event was a private event. Ms. Pimentel stated that as a result of this incident, she is better informed and conducts her own research into each potential event.

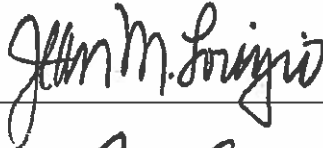
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138 § 12C: The Commission may issue an annual caterer's license to an operator of a catering business for the sale and service of alcoholic beverages to be served and drunk on the premises where the operator caters a private event that is not open to the public; Prior to 48 hours before the start of a catered event where alcoholic beverages shall be served, a caterer licensed under this section shall provide written notice to the police chief and the local licensing authority of the city or town wherein the event will be held. The notice shall include the following information: (1) a copy of the caterer's license; (2) proof of liquor liability insurance; and (3) emergency contact information of the manager of the catering company.

As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

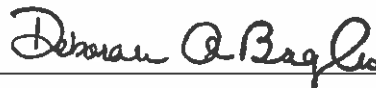
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: July 26, 2024

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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2023-000282-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicole Terasconi, Investigator
Robert Gardner, Investigator
Administration, File