



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

April 14, 2025

**CASA TEQUILA SALEM MA LLC D/B/A CASA TEQUILA
300 DERBY STREET
SALEM, MA 01970
LICENSE#: 04377-RS-1064
VIOLATION DATE: 5/24/2024
HEARD: 10/01/2024**

After a hearing on October 1, 2024, the Commission finds Casa Tequila Salem MA LLC d/b/a Casa Tequila violated 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (6 Counts).

The Commission **suspends the license for a period of 10 days of which five (5) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

The suspension shall commence on Monday, June 2, 2025, and terminate on Friday, June 6, 2025. The license will be delivered to the Local Licensing Board or its designee on Monday, June 2, 2025, at 9:00 A.M. It will be returned to the licensee on June 7, 2025.

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.

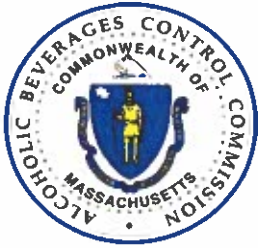
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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2024-000162-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Katherine McCormick, Esq., Associate General Counsel
Sean Fleming, Investigator
Joseph DiCicco, Investigator
Sean Smiddy, Investigator
Chad Colarusso, Esq.
Administration, File



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

CASA TEQUILA SALEM MA LLC D/B/A CASA TEQUILA
300 DERBY STREET
SALEM, MA 01970
LICENSE#: 04377-RS-1064
VIOLATION DATE: 5/24/2024
HEARD: 10/01/2024

Casa Tequila Salem MA LLC d/b/a Casa Tequila ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, October 1, 2024, regarding an alleged violation of 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (6 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts in Investigator Fleming's Report.

The following documents are in evidence:

1. Investigative Report of S. Fleming;
 2. ABCC Application Summary Review, Transfer of License Approved 9/20/2018;
 3. ABCC Decision, 2/4/2022;
 4. Licensee's Stipulation of Facts.
-
- A. TIPS Receipt, 9/29/2024;
 - B. Photographs (2) of New Identification Scanner.

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

FINDINGS OF FACT

1. On Friday, May 24, 2024, at approximately 10:35 p.m., Special Investigators DiCicco, Smiddy, and Fleming ("Investigators") inspected the business operation of Casa Tequila Salem MA LLC d/b/a Casa Tequila ("Licensee" or "Casa Tequila").
2. Investigators observed a table of six youthful appearing individuals in possession of what appeared to be alcoholic beverages. Investigator Fleming identified himself and requested

proof of legal age to possess alcoholic beverages. The individuals admitted they were under the age of 21.

3. Underage #1, actual date of birth 7/23/2006 (age 17), was in possession of a tequila sunrise mixed drink. He provided to Investigators a fraudulent Massachusetts drivers' license bearing his name but a different birth date, which he had used to order the alcoholic beverage. Investigators contacted the mother of Underage #1 and informed her of the incident.
4. Underage #2, actual date of birth 8/03/2006 (age 17), was in possession of a tequila sunrise mixed drink. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date, which she had used to order the alcoholic beverage. Investigators contacted the father of Underage #2 and informed him of the incident.
5. Underage #3, actual date of birth 4/14/2006 (age 18), was in possession of a Stoli Berry Lemonade vodka mixed drink. He presented to Investigators a fraudulent Rhode Island driver's license.
6. Underage #4, actual date of birth 9/11/2006 (age 17), was in possession of a pineapple margarita tequila mixed drink. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date, which she had used to order the alcoholic beverage. Investigators contacted the father of Underage #3 and informed him of the incident.
7. Underage #5, actual date of birth 2/01/2006 (age 18), was in possession of a blueberry margarita tequila mixed drink. He presented to Investigators a fraudulent Massachusetts driver's license bearing his name but a different birth date.
8. Underage #6, actual date of birth 6/21/2006 (age 17), was in possession of a tequila margarita mixed drink. He presented to Investigators a fraudulent Rhode Island driver's license bearing his name but a different birth date, which he used to order the alcoholic beverage. Investigators contacted the mother of Underage #6 and informed her of the incident.
9. Investigators informed the manager Jose Morales of the violations and that a report would be submitted to the Chief Investigator for further action.
10. Gilberto Reyes, Licensee and Manager of Record, appeared at the Commission hearing. The Commission was informed of efforts to prevent future incidents, including updating the identification scanner.
11. The Licensee has held a license under M.G.L. c. 138, § 12 since 2018 with one prior violation.

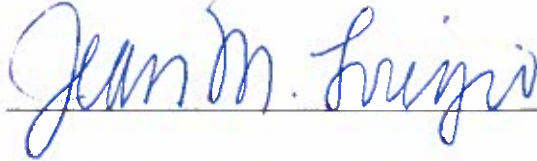
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: Ch. 138 § 34C - Possession of an alcoholic beverage

by a person under twenty-one (21) years of age (6 Counts). Therefore, the Commission **suspends the license for a period of 10 days of which five (5) days will be served and five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Deborah Baglio, Commissioner



Dated: April 14, 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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