



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

NOTICE OF SUSPENSION

May 7, 2014

THOMAND INC. DBA MURPHY'S
300 DERBY STREET
SALEM, MA 01970
LICENSE#: 106400027
VIOLATION DATE: 11/27/2013
HEARD: 04/22/2014

After a hearing on April 22, 2014, the Commission finds Thomand Inc. dba Murphy's in violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: c.138, §34C- Person under the age of twenty-one (21) in possession of an alcoholic beverage (2 Counts).

The Commission **suspends the licensee's license for a total of six (6) days to be served. The suspension shall commence on Wednesday, June 25, 2014, and terminate on Monday, June 30 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, June 25, 2014 at 9:00 A.M. It will be returned to the licensee Tuesday, July 1, 2014.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Tara Kelleher, Investigator
Christopher Temple, Investigator
Administration
File



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DECISION

THOMAND INC. DBA MURPHY'S
300 DERBY STREET
SALEM, MA 01970
LICENSE#: 106400027
VIOLATION DATE: 11/27/2013
HEARD: 04/22/2014

Thomand Inc. dba Murphy's (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, April 22, 2014, regarding an alleged violation of violated 204 CMR 2.05 (2) - Permitting an Illegality on the licensed premises, to wit: c.138, §34C- Person under the age of twenty-one (21) in possession of an alcoholic beverage (2 Counts) which occurred on November 27, 2013, according to Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Violation Report dated November 27, 2013;
 2. Photo of Angela Ellison;
 3. MA Driver's License of Emilee Ellison;
 4. Photo of Emily Manoogian;
 5. MA Driver's License of Alyssa Manoogian;
 6. Colgate University Identification of Alyssa Manoogian;
 7. Photo of Sara Previte;
 8. MA Driver's License of Alyssa Ramsdell;
 9. Photo of Sean Ploumbidis; and
 10. MA Driver's License of Adam Souza.
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- A. Photo of Alyssa Manoogian;
 - B. Salem News Photo of Emily Manoogian, Angela Ellison, and Sara Previte;
 - C. Photo of Alyssa Ramsdell;
 - D. Photo of A. Ramsdell with friends; and
 - E. Investigator Wilichoski's Email Reply dated November 2, 2013, to Corey Dylengoski.

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

FACTS

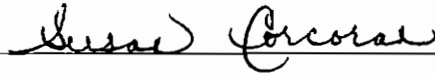
1. On Wednesday, November 27, 2013, at approximately 10:00 p. m., Investigators Guarino-Wilichoski, Temple and Kelleher conducted an investigation of the business operation of Thomand Inc. dba Murphy's to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed a group of youthful looking individuals seated at a table in the lounge area, who were in possession of alcoholic beverages.
3. Investigators identified themselves to the group and asked to see proof of legal drinking age.
4. Sean Ploumbidis, actual date of birth [REDACTED] (age 20) presented investigators with a MA License in the name of Adam Souza, date of birth [REDACTED] (age 23). Mr. Ploumbidis stated he obtained the license from his friend.
5. Investigators observed that the person on the license has a narrow face, large ears, large forehead, and a large crooked nose. Mr. Ploumbidis has a round face, smaller nose and smaller ears.
6. Investigators observed Mr. Ploumbidis was in possession of a Coors Light beer.
7. Sara Previte, actual date of birth [REDACTED] (age 20) presented investigators with a MA License in the name of Alyssa Ramsdell, date of birth [REDACTED] (age 21). Ms. Previte stated that she purchased the license from Ms. Ramsdell.
8. Investigators observed that the person on the license has a very pointy chin, a narrow face, and a large nose. Ms. Previte has a very square chin, with a round face, narrow nose.
9. Investigators observed Ms. Previte was in possession of a Coors Light beer.
10. Emily Manoogian, actual date of birth [REDACTED] (age 20) presented investigators with a MA License in the name of her sister, Alyssa Manoogian, date of birth [REDACTED] (age 22).
11. Investigators observed that the person on the license has a round face with a large forehead. Ms. Emily Manoogian has a very pronounced chin, with a small forehead and round eyes.
12. Investigators observed Ms. Emily Manoogian did not possess any alcoholic beverage. She stated that she was "in the restroom when the waitress came to the table to take the drink order."
13. Angela Ellison, actual date of birth [REDACTED] (age 20) presented investigators with a MA License in the name of her sister, Emilee Ellison, date of birth [REDACTED] (age 26). Investigators observed that the person on the license closely resembled the person presenting the identification.
14. Investigators observed Ms. Ellison was in possession of a Budweiser Light beer.
15. Investigators believe the Licensee used reasonable reliance when serving Angela Ellison since she has similar features to her sister, Emilee, whose identification was presented.
16. The individuals in possession of alcohol stated that they were served by a waitress who did not ask for identification. However, they stated that they did provide identification at the front door in order to gain entry.
17. Investigators presented the underage individuals and the fraudulent identifications to the manager on duty, as well as to the employees who were checking identifications at the front entrance.
18. Investigators advised the manager on duty of the violation and that a report would be submitted to 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: c.138, §34C- Person under the age of twenty-one (21) in possession of an alcoholic beverage (2 Counts). Therefore, the Commission **suspends the license for fourteen (14) days of which six (6) days will be served and eight (8) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

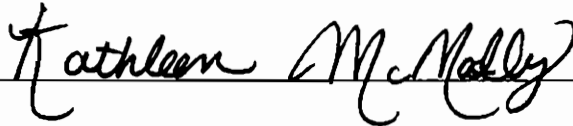
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner



Dated: May 7, 2014

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
 Tara Kelleher, Investigator
 Christopher Temple, Investigator
 Administration
 File