

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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

September 27, 2019

**SANTILLAN INC. D/B/A CASA VALLARTA
114 BROADWAY
SAUGUS, MA 01906
LICENSE#: 1078-00010
VIOLATION DATE: 5/31/2019
HEARD: 9/3/2019**

After a hearing on September 3, 2019, the Commission finds Santillan Inc. d/b/a Casa Vallarta violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (3 counts).

The Commission suspends the license for a period of three (3) days to be served.

By decision dated August 22, 2017, the Commission had previously ordered a three (3) day license suspension to be held in abeyance for a period of two (2) years provided no further violations occurred. Given the violation found above, the Commission, in its discretion, hereby orders that suspension to be served on and after the three (3) day suspension. The Licensee will serve a total six (6) days.

The suspension shall commence on Monday, November 18, 2019 and terminate on Saturday, November 23, 2019. The license will be delivered to the Local Licensing Board or its designee on Monday, November 18, 2019 at 9:00 A.M. It will be returned to the licensee on Sunday, November 24, 2019.

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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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File



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DECISION

**SANTILLAN INC. D/B/A CASA VALLARTA
114 BROADWAY
SAUGUS, MA 01906
LICENSE#: 1078-00010
VIOLATION DATE: 5/31/2019
HEARD: 9/3/2019**

Santillan Inc. d/b/a Casa Vallarta (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, September 3, 2019, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (3 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee Stipulation of Facts;
3. Photocopy of Fraudulent Driver's Licenses;
4. Receipt for Alcohol Purchase, 5/31/2019;
5. ABCC Decision, 8/22/2017; and
6. Copy of Licensee's Application Approved 3/23/2016.

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

FINDINGS OF FACT

1. On Friday, May 31, 2018, Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of Santillan Inc. d/b/a Casa Vallarta to determine the manner in which its business was being conducted. (Exhibit 1)
2. At approximately 10:20 p.m., Investigators observed a group of three youthful appearing individuals, seated at a booth, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age. (Exhibit 1)

3. Underage #1, actual date of birth 5/19/2000 (age 19) was in possession of a glass of Sangria wine. She presented to Investigators a fraudulent Maine driver's license.
4. Underage #2, actual date of birth, 12/30/1999 (age 19), was in possession of a margarita mixed drink. She presented to Investigators a fraudulent Maine driver's license.
5. Underage #3, actual date of birth, 8/08/2000 (age 18), was in possession of a margarita mixed drink. She presented to Investigators a fraudulent Maine driver's license.
6. Investigators made contact with the server Emily, and the manager, Ramirez Bisael. Emily informed Investigators that she had served the group of youthful appearing individuals and each one had presented a Maine identification upon ordering.
7. Investigators informed Mr. Bisael of the violations and that a report would be filed with the Chief Investigator for review.
8. The Licensee has held a license under M.G.L. c. 138, § 12 since 2016 with one previous violation.

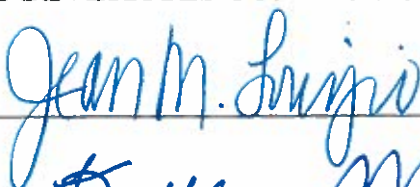
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (3 counts). Therefore, the Commission suspends the license for a period of three (3) days to be served.

By decision dated August 22, 2017, the Commission had previously ordered a three (3) day license suspension to be held in abeyance for a period of two (2) years provided no further violations occurred. Given the violation found above, the Commission, in its discretion, hereby orders that suspension to be served on and after the three (3) day suspension. The Licensee will serve a total six (6) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: September 27, 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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