

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

May 11, 2017

**1171 MAIN STREET LLC D/B/A McCAFFREY'S PUBLIC HOUSE
1171 MAIN ST.
SPRINGFIELD, MA 01103
LICENSE#: 122600093
VIOLATION DATE: 11/10/2016
HEARD: 05/09/2017**

After a hearing on May 9, 2017, the Commission finds 1171 Main Street LLC d/b/a McCaffrey's Public House 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 by a person under twenty-one (21) years of age (15 counts).

The Commission suspends the license for a period of fifty-three (53) days of which fifteen (15) days will be served, and thirty-eight (38) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

The suspension shall commence on Wednesday, July 5, 2017 and terminate on Wednesday, July 19, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 5, 2017 at 9:00 A.M. It will be returned to the licensee on Thursday, July 20, 2017.

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.

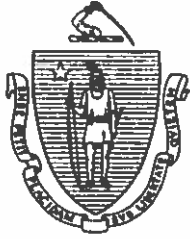
ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in cursive script, reading "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Joseph Di Cicco, Investigators
Daniel D. Kelly, Esq. via facsimile 413-733-1245
Administration, File



Deborah B. Goldberg
Treasurer and Receiver General

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DECISION

**1171 MAIN STREET LLC D/B/A McCAFFREY'S PUBLIC HOUSE
1171 MAIN ST.
SPRINGFIELD, MA 01103
LICENSE#: 122600093
VIOLATION DATE: 11/10/2016
HEARD: 05/09/2017**

1171 Main Street LLC d/b/a McCaffrey's Public 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, February 14, 2017, 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 by a person under twenty-one (21) years of age (15 counts). The above captioned occurred on September 1, 2016 according to Investigator Temple's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Keefe's Investigative Report;
3. Photocopy of Fraudulent Driver Licenses of Underage Individuals; and
4. RMV Printouts for Underage Individuals.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Thursday, November 10, 2016, at approximately 10:45 p.m., Investigators Di Cicco, Temple, Velez and Keefe ("Investigators") conducted an investigation of the business operation of 1171 Main Street LLC d/b/a McCaffrey's Public House to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed youthful appearing individuals in possession of alcoholic beverages. Investigators identified 15 individuals in possession of false identifications who were also in possession of alcoholic beverages.
3. Investigators identified themselves and asked to see proof of legal age.

4. Underage #1, actual date of birth 5/01/1998 (age 18) was in possession of a rum mixed drink. She presented Investigators with a false Rhode Island driver's license.
5. Underage #2, actual date of birth 1/30/1998 (age 18) was in possession of a rum mixed drink. She presented Investigators with a false Rhode Island driver's license.
6. Underage #3, actual date of birth 12/11/1995 (age 20) was in possession of a Bud Light beer. She presented Investigators with a false Connecticut driver's license.
7. Underage #4, actual date of birth 6/21/1996 (age 20) was in possession of a Smirnoff Ice malt beverage. She presented Investigators with a false Connecticut driver's license.
8. Underage #5, actual date of birth 5/27/1996 (age 20) was in possession of a draft beer. She presented Investigators with a false Connecticut driver's license.
9. Underage #6, actual date of birth 8/04/1996 (age 20) was in possession of a vodka cranberry mixed drink. She presented Investigators with a false Connecticut driver's license.
10. Underage #7, actual date of birth 6/17/1997 (age 19) was in possession of a vodka and Redbull mixed drink. She presented Investigators with a false Connecticut driver's license.
11. Underage #8, actual date of birth 4/19/1996 (age 20) was in possession of a vodka Dirty Shirley mixed drink. He presented Investigators with a false Connecticut driver's license.
12. Underage #9, actual date of birth 6/26/1997 (age 20) was in possession of a Coors Light beer. She presented Investigators with a false Connecticut driver's license.
13. Underage #10, actual date of birth 7/31/1997 (age 19) was in possession of a Bud Light beer. She presented Investigators with a Massachusetts identification.
14. Underage #11, actual date of birth 6/16/1996 (age 20) was in possession of a Jameson Irish whiskey and ginger ale mixed drink. She presented Investigators with a Massachusetts identification.
15. Underage #12, actual date of birth 6/13/1998 (age 18) was in possession of a Jameson Irish whiskey and ginger ale mixed drink. He presented Investigators with a false Rhode Island driver's license
16. Underage #13, actual date of birth 11/23/1995 (age 20) was in possession of a Busch Light beer. He presented Investigators with a false Pennsylvania driver's license
17. Underage #14, actual date of birth 2/11/1996 (age 20) was in possession of a Busch Light beer. He presented Investigators with a false Connecticut driver's license
18. Underage #15, actual date of birth 6/26/1997 (age 20) was in possession of a Busch Light beer. He presented Investigators with a false Connecticut driver's license.
19. Investigators informed the manager/owner, Nicola Polimenti, of the violations and that a report would be filed with the Chief Investigator for review.

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 by a person under twenty-one (21) years of age (15 counts). Therefore, the Commission **suspends the license for a period of fifty-three (53) days of which fifteen (15) days will be served, and thirty-eight (38) 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

Elizabeth Lashway, Commissioner

Elizabeth Lashway

Jean M. Lorizio, Chairman

Jean M. Lorizio

Dated: May 11, 2017

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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