



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

July 30, 2013

SARNO ENTERPRISES, INC. DBA THE X-PUB
520 SUMNER AVE
SPRINGFIELD, MA 01108
LICENSE#: 122600254
VIOLATION DATE: 11/29/2012
HEARD: 07/23/2013

After a hearing on July 23, 2013, the Commission finds Sarno Enterprises, Inc. dba The X-Pub in 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 (7 Counts).

The Commission **suspends the licensee's license for a total of fifteen (15) days to be served. The suspension shall commence on Wednesday, September 18, 2013 and terminate on Wednesday, October 2, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 18, 2013 at 9:00 A.M. It will be returned to the licensee Thursday, October 3, 2013.

No offer in compromise will be considered for the fifteen (15) day suspension for this penalty.

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
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Daniel D. Kelly, Esq. via Facsimile 413-733-1245
Administration
File

1767 1745 DS 1



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

SARNO ENTERPRISES, INC. DBA THE X-PUB
520 SUMNER AVE
SPRINGFIELD, MA 01108
LICENSE#: 122600254
VIOLATION DATE: 11/29/2012
HEARD: 07/23/2013

Sarno Enterprises, Inc. dba The X-Pub (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, July 23, 2013, 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 (7 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Kujawski's Investigative Report dated November 29, 2012;
3. Photo of Fraudulent Licenses for M. Berni and E. Peters.

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

FACTS

1. On Thursday, November 29, 2012, at approximately 10:45 p.m., Chief Investigator Mahony along with Investigators Keefe and Kujawski investigated the business operation of Sarno Enterprises, Inc. dba The X-Pub to determine the manner in which their business was being conducted.
2. Investigators entered the premises and observed seven youthful looking individuals in possession of alcoholic beverages.
3. Investigators identified themselves and asked to see their identification.
4. Jaron Hickman, actual date of birth [REDACTED] age 18 years, was in possession of a draft beer. He stated that no one had asked him for identification.
5. Jameson Bonti, actual date of birth [REDACTED] age 19 years, was in possession of a draft beer. He stated that no one had asked him for identification.
6. Matthew Berni, actual date of birth [REDACTED] age 18 years, was in possession of a draft beer. He stated that no one had asked him for identification.
7. Mr. Berni was also in possession of a fake New Jersey Driver's License in his name with a date of birth [REDACTED] age 23 years.


8. Bryan West, actual date of birth [REDACTED] age 18 years, was in possession of a draft beer. He stated that no one had asked him for identification.
9. Victoria Hinckley, actual date of birth [REDACTED] age 19 years, was in possession of a draft beer. He stated that no one had asked him for identification.
10. Shelby Mariano, actual date of birth [REDACTED] age 18 years, was in possession of a draft beer. He stated that no one had asked him for identification.
11. Samuel Docherty, actual date of birth [REDACTED] age 19 years, was in possession of a draft beer. He stated that no one had asked him for identification.
12. Mr. Docherty was also in possession of a Maryland Driver's License in the name of Eric Peters with a date of birth [REDACTED], age 23 years.
13. Investigator Keefe heard someone in the establishment shout "out, everyone out" to alert the underage patrons.
14. Investigators estimated that the crowd consisted of approximately 100 people, when this statement was made.
15. After the statement was made, investigators observed approximately 25 patrons in the establishment.
16. Investigators informed the manager on duty, Gernaro Sarno, of the violation and that a report would be filed for further action.
17. The Commission took administrative notice of the Licensee's records which included a prior violation on the same charge in 2008.

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 (7 Counts). Therefore, the Commission **suspends the license for thirty-two (32) days of which fifteen (15) days will be served and seventeen (17) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. No offer in compromise will be considered for the fifteen (15) day suspension for this penalty.**

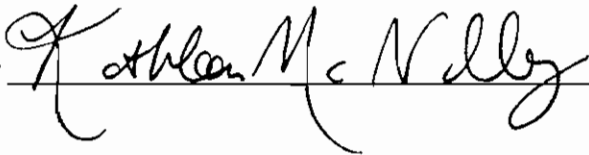
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



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

Kathleen McNally, Commissioner



DATE: July 30, 2013

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
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Daniel D. Kelly, Esq. via Facsimile 413-733-1245
File