



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

Jean M. Lorizio, Esq.
Chairman

DECISION

WALTHAM RESTAURANT GROUP INC.
D/B/A TIO JUAN'S MARGARITA MEXICAN RESTAURANT
211 MOODY STREET
WALTHAM, MA 02453
LICENSE#: 00111-RS-1320
VIOLATION DATE: 3/07/2024
HEARD: 6/18/2024

Waltham Restaurant Group Inc. d/b/a Tio Juan's Margarita Mexican Restaurant ("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, June 18, 2024, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C – Possession of an alcoholic beverage by a person under twenty-one years of age (2 Counts).

Prior to the commencement of the hearing the Licensee stipulated to facts alleged in Special Investigator Velez's report.

The following documents are in evidence:

1. Investigative Report of N. Velez;
2. Photograph of Fraudulent Montana Driver License;
3. Photograph of Fraudulent New Jersey Driver License;
4. ABCC Cover Sheet, New License Approved, 7/18/2003;
5. Licensee's Stipulation of Facts.

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

1. On Thursday, March 7, 2024, at approximately 10:45 p.m., Special Investigators Gould, Temple, Terasconi, and Velez ("Investigators") conducted an inspection of Waltham Restaurant Group Inc. d/b/a Tio Juan's Margarita Mexican Restaurant ("Licensee" or "Tio Juans").
2. Investigators Terasconi and Gould observed a youthful appearing female individual in possession of what appeared to be an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.


3. Underage #1, actual date of birth 5/05/2003 (age 20), stated she was in possession of a Tecate beer. She provided to Investigators a fraudulent Montana driver's license bearing her name but a different birth date.
4. Investigators Gould and Velez observed a youthful appearing male individual in possession of what appeared to be an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
5. Underage #2, actual date of birth 12/05/2003 (age 20), stated he was in possession of a margarita mixed drink. He provided Investigators with a fraudulent New Jersey driver's license bearing his name but a different birth date.
6. Investigator Temple identified himself to the manager on duty, informed her of the violations, and that a report would be submitted to the Chief Investigator for further review.
7. Mr. Ray, a corporate principal of the Licensee entity, appeared at the Commission hearing and testified all employees are required to undergo training before serving alcohol at the licensed premises, and that training is renewed each year.
8. The Licensee has held a license under M.G.L. c. 138, § 15 since 2003 with no prior violations.

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. Ch. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (2 Counts). As a result, the Commission **suspends the license for a period of one (1) day which 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: January 14, 2025

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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2024-000065-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nick Velez, Investigator
Brian Gould, Investigator
Christopher Temple, Investigator
Nicole Terasconi, Investigator
Administration, File