



*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**BOCAGE INC. D/B/A SPIDER MONKEY / RAIN
252 ELM STREET
WESTFIELD, MA 01085
LICENSE#: 1440-00136
VIOLATION DATE: 10/5/2017
HEARD: 1/30/2018**

Bocage Inc. d/b/a Spider Monkey / Rain (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, January 30, 2018, 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 (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report;
 2. Licensee's Stipulation of Facts; and
 3. Copy of Underage's Massachusetts driver's license.
- A. Westfield Police Department Letter re: Passed Compliance Check.

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, October 5, 2017, at approximately 10:25 p.m., Investigators Di Cicco, Kujawski, Velez, and Keefe ("Investigators") conducted an investigation of the business operation of Bocage Inc. d/b/a Spider Monkey / Rain to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed two youthful appearing female individuals who were in possession of alcoholic beverages.
3. Investigators identified themselves and asked to see proof of legal age.

4. Underage #1, actual date of birth 12/30/1996 (age 20) was in possession of a vodka and cranberry. She presented Investigators with a Massachusetts driver's license. Investigators determined that the individual on the license was not the person before them since her facial features were different and her height was not that listed on the driver's license.
5. Underage #2, actual date of birth 12/9/1996 (age 20) was in possession of a draft Bud Light beer. She presented Investigators with a Massachusetts driver's license. Investigators determined that the underage was not the person pictured on the identification although there was enough of a resemblance to indicate that the Licensee demonstrated sufficient reasonable reliance on the identification.
6. Investigators informed the owner, Pedro Almeida, 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 (1 Count). The Commission **suspends the license for a period of three (3) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

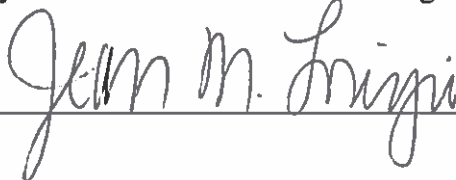
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Jean M. Lorizio, Chairman



Dated: March 5, 2018

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Joseph Di Cicco & Nick Velez, Investigators
Administration, File