



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**KRAUSE LLC D/B/A RAIN
252 ELM STREET
WESTFIELD, MA 01085
LICENSE#: 04649-GP-1440
VIOLATION DATE: 9/12/2019
HEARD: 1/21/2020**

Krause LLC d/b/a Rain (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, January 21, 2020, 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 (21) years of age (2 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
2. Licensee Stipulation of Facts;
3. License Application Summary Review Approval, 1/30/2019.

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

FINDINGS OF FACT

1. On Thursday, September 12, 2019, at approximately 10:00 p.m., Investigators Keefe, Kujawski, Temple, Velez, Watson, and Teehan ("Investigators"), along with the assistance of Westfield Police Officers, conducted an investigation of the business operation of Krause LLC d/b/a Rain to determine the manner in which its business was being conducted.
2. While on the licensed premises, Investigators observed two individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 3/26/1999 (age 20), was in possession of a mixed drink, vodka and cranberry. She presented to Investigators a fraudulent Maine driver's license that she had used to enter the licensed premises.

4. Underage #2, actual date of birth 6/01/1999 (age 20), was in possession of a mixed drink, vodka and cranberry. She presented to Investigators a fraudulent New Jersey driver's license that she had used to enter the licensed premises.
5. Investigators observed two other youthful individuals in possession of alcoholic beverages and asked them for proof of legal age. These two underage individuals presented Investigators with fraudulent Massachusetts driver's licenses in their own name with a false date of birth. Investigators determined that the Licensee reasonably relied on these identifications, and therefore, they did not file any additional charges for a minor in possession of an alcoholic beverage.
6. Investigators informed the owner, Mike Holmes, of the violations, and that a report would be filed with the Chief Investigator for further action.
7. The Licensee has been licensed under M.G.L. c. 138, § 12 since 2019 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 § 34C - Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts). Therefore, 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 occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



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

Crystal Matthews, Commissioner



Dated: January 24, 2020

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
Kyle E. Gill, Esq., Associate General Counsel
Michael Teehan, Investigator
Jan Kujawski, Investigator
D. Keefe, C. Temple, N. Velez, L. Watson, Investigators
Administration, File