



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

February 10, 2023

COWBOY PROPERTY MANAGEMENT LLC D/B/A HUSKY'S PUB
413 PARK AVENUE
WORCESTER, MA 01610
LICENSE#: 05622-GP-1508
VIOLATION DATE: 3/03/2022
HEARD: 9/20/2022

After a hearing on September 20, 2022, the Commission finds Cowboy Property Management LLC d/b/a Husky's Pub violated:

- 1) 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 21 years of age. (19 Counts)
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited.


The Commission **suspends the license for a period of 15 days to be served.**

The suspension shall commence on Monday, March 27, 2023, and terminate on Monday April 10, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, March 27, 2023, at 9:00 A.M. It will be returned to the licensee on Tuesday, April 11, 2023.

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.

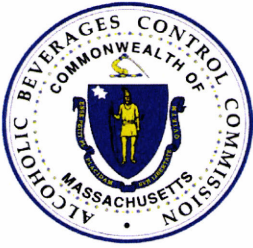
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Sean Fleming, Investigator
Jamie Binienda, Investigator
Brian Gould, Investigator
Dennis Keefe, Investigator
Katelyn Quinn, Investigator
Nicole Terasconi, Investigator
Officer Patrick Harrington, Worcester Police Department
Ryan Scambio, Esq.
Administration, File



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DECISION

COWBOY PROPERTY MANAGEMENT LLC D/B/A HUSKY'S PUB
413 PARK AVENUE
WORCESTER, MA 01610
LICENSE#: 05622-GP-1508
VIOLATION DATE: 3/03/2022
HEARD: 9/20/2022

Cowboy Property Management LLC d/b/a Husky's Pub ("Licensee" or "Husky's Pub") 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, September 20, 2022, regarding alleged violations of:

- 1) 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 21 years of age. (19 Counts)
- 2) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited.

The following documents are in evidence:

1. Investigator Fleming's Report;
 2. ABCC Licensee File;
 3. Photograph of Fraudulent Identifications Confiscated;
 4. Licensee's Stipulation of Facts.
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- A. Licensee's TokenWorks Scanner Identification System;
 - B. TokenWorks Systems Invoice;
 - C. Statement of Age Form;
 - D. Driver's License Guide, 2022;
 - E. Employees' Alcohol Intervention Methods Certification Cards;
 - F. Campbell/Trent Confirmation Notice of Trained Employees, 3/9/2022;
 - G. E. Purdy's Alcohol Intervention Methods Training Certificate.

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

FINDINGS OF FACT

1. On Thursday March 3, 2022, at approximately 10:00 p.m., Investigators Binienda, Gould, Keefe, Quinn, Terasconi, and Fleming ("Investigators") with Officer Patrick Harrington from the Worcester Police Alcohol Enforcement Unit, inspected Cowboy Property Management LLC d/b/a Husky's Pub ("Licensee" or "Husky's Pub") to determine the way its business was being conducted.
2. Investigators entered the licensed premises and observed the establishment was extremely crowded. The occupancy of the building is 49 as determined by the City of Worcester. The employee at the door informed Investigators that his counter indicated 89 patrons were inside. Investigators noted there were also eight staff members working at the time, making the total number of occupants 97.
3. Investigators observed numerous youthful appearing individuals, standing in plain view of bartenders and other employees, in possession of what appeared to be alcoholic beverages. Investigators approached some of the patrons, identified themselves and requested proof of legal age to possess alcoholic beverages.
4. Underage #1, actual date of birth 4/11/2001 (age 20), was in possession of a Corona beer. She presented to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date.
5. Underage #2, actual date of birth 6/09/2001 (age 20), was in possession of a Corona beer. She presented to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date.
6. Underage #3, actual date of birth 7/17/2003 (age 18), was in possession of a Rum-Raz mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date.
7. Underage #4, actual date of birth 9/29/2003 (age 18), was in possession of a vodka cranberry mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date.
8. Underage #5, actual date of birth 11/13/2002 (age 19), was in possession of a Rum-Raz mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date.
9. Underage #6, actual date of birth 7/11/2001 (age 20), was in possession of a vodka soda mixed drink. He presented to Investigators a fraudulent Maine driver's license in his own name with a different birth date.
10. Underage #7, actual date of birth 10/06/2001 (age 20), was in possession of a vodka soda mixed drink. He presented to Investigators a fraudulent New Jersey driver's license in his own name with a different birth date.

11. Underage #8, actual date of birth 10/2/2001 (age 20), was in possession of wine. She presented to Investigators a fraudulent Rhode Island driver's license in her own name with a different birth date.
12. Underage #9, actual date of birth 6/07/2002 (age 19), was in possession of a Corona beer. She told Investigators she was not asked for identification at any point.
13. Underage #10, actual date of birth 11/19/2002 (age 19), was in possession of a Corona beer. He presented to Investigators a fraudulent Connecticut driver's license in his own name with a different birth date.
14. Underage #11, actual date of birth 11/22/2002 (age 19), was in possession of a Corona beer. He did not produce any identification but confirmed his true age and date of birth.
15. Underage #12, actual date of birth 8/31/2003 (age 18), was in possession of a Rum-Raz mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her name with a different birth date.
16. Underage #13, actual date of birth 12/13/2002 (age 19), was in possession of a Rum-Raz mixed drink. She was in possession of a fraudulent Massachusetts driver's license in her own name with a different birth date.
17. Underage #14, actual date of birth 8/25/2002 (age 19), was in possession of a vodka cranberry mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date.
18. Underage #15, actual date of birth 8/08/2001 (age 20), was in possession of a Corona beer. He presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different birth date.
19. Underage #16, actual date of birth 4/23/2003 (age 18), was in possession of a Rum-Raz mixed drink. She presented to Investigators a Massachusetts driver's license in her own name with a different birth date.
20. Underage #17, actual date of birth 10/19/2002 (age 19), was in possession of a vodka cranberry mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her own name with a different birth date.
21. Underage #18, actual date of birth 10/13/2002 (age 19), was in possession of a Corona beer. She stated to Investigators that she presented a fraudulent identification to the bouncers upon entering the premises.
22. Underage #19, actual date of birth 10/13/2002 (age 19), was in possession of a Corona beer. She stated to Investigators that she presented a fraudulent identification to the bouncers upon entering the premises.
23. Investigators informed the Licensee, Elizabeth Purdy, of the violations and that a report would be filed with the Chief Investigator for further action.

24. Ms. Purdy appeared at the Commission hearing. The Commission was informed the Licensee has purchased a new ID reader and all employees are now TIPS certified. Ms. Purdy and a family member took over working the door and have hired a new employee to work the door as well. New procedures have been implemented wherein employees who have any doubts about an identification confer with Ms. Purdy.
25. The Licensee has held a license under M.G.L. c. 138, § 12 since June 11, 2020, with no prior violations.

CONCLUSION

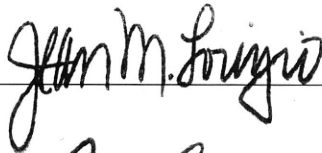
Based on the evidence, the Commission finds the Licensee violated:

- 1) 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 21 years of age. (19 Counts)
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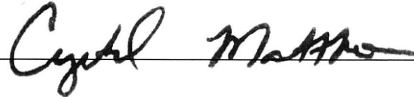
Therefore, the Commission **suspends the license for a period of 25 days of which 15 days will be served and 10 days will be held in abeyance for two (2) years provided no further violations of Chapter 138 or Commission regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

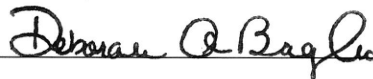
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: February 10, 2023

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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2022-000036-ad-enf

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