



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

Jean M. Lorizio, Esq.
Chair

NOTICE OF SUSPENSION

October 23, 2024

**CREED LOUNGE INC.
41 PLEASANT STREET
WORCESTER, MA 01609
LICENSE#: 06630-GP-1508
VIOLATION DATE: 9/14/2023
HEARD: 2/06/2024**

After a hearing on February 6, 2024, the Commission finds Creed Lounge Inc. 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 21 years of age (9 Counts).

The Commission **suspends the license for a period of 5 days to be served.**

The suspension shall commence on Monday, December 16, 2024, and terminate on Friday December 20, 2024. The license will be delivered to the Local Licensing Board or its designee on Monday, December 16, 2024 at 9:00 A.M. It will be returned to the licensee on Saturday, December 21, 2024.

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
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Brian Gould, Investigator
Sean Fleming, Investigator
Nick Velez, Investigator
Officer Patrick Harrington, Worcester Police Dept.
David L. Rubin, Esq.
Administration, File



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DECISION

**CREED LOUNGE INC.
41 PLEASANT STREET
WORCESTER, MA 01609
LICENSE#: 06630-GP-1508
VIOLATION DATE: 9/14/2023
HEARD: 2/06/2024**

Creed Lounge Inc. ("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, February 6, 2024, regarding alleged violations 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 21 years of age (9 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gould's report.

The following documents are in evidence:

1. Investigator Gould's Violation Report;
 2. Photographs of the Fraudulent Identifications Confiscated;
 3. Licensee's Stipulation of Facts;
 4. ABCC Licensing Authority Certification, Transfer of License Approved, 3/04/2022.
-
- A. Photograph of Fraudulent Identifications (24) Confiscated;
 - B. TIPS Certificate of Completion for K. Paulino;
 - C. Screenshot of Mobile ID Scanner Description;
 - D. Screenshot of Order Receipt for Mobile ID Scanner Purchase.

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

FINDINGS OF FACT

1. On Thursday September 14, 2023, at approximately 11:40 p.m., Investigators Fleming, Velez, and Gould ("Investigators"), along with Officer Harrington of the Worcester Police Alcohol Unit, inspected Creed Lounge Inc. ("Licensee") to determine the way its business was being conducted.

2. Investigators entered the licensed premises and observed multiple youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and requested identification.
3. Underage #1, actual date of birth 9/04/2003 (age 20), was in possession of a vodka and soda mixed drink which she stated she purchased at the bar. She presented to Investigators a fraudulent Maine driver's license bearing her name but a different birth date.
4. Underage #2, actual date of birth 3/08/2003 (age 20), was in possession of a vodka and soda mixed drink which she stated she purchased at the bar. She presented to Investigators a fraudulent Maine driver's license bearing her name but a different birth date.
5. Underage #3, actual date of birth 2/09/2003 (age 20), was in possession of a vodka and pineapple mixed drink which she stated she purchased at the bar. She presented to Investigators a fraudulent Massachusetts driver's license bearing her name but a different birth date.
6. Underage #4, actual date of birth 12/18/2002 (age 20), was in possession of a vodka and cranberry mixed drink which she stated she purchased at the bar. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date.
7. Underage #5, actual date of birth 12/11/2002 (age 20), was in possession of a tequila and pineapple mixed drink which she stated she purchased at the bar. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date.
8. Underage #6, actual date of birth 9/15/2003 (age 19) was in possession of a mixed alcoholic beverage which he stated he purchased at the bar. Initially uncooperative, he eventually presented to Investigators a fraudulent Maine driver's license bearing his name but a different birth date.
9. Underage #7, actual date of birth 8/09/2004 (age 19), was in possession of a vodka shirley mixed drink which she stated she purchased at the bar. She presented to Investigators a fraudulent Massachusetts driver's license bearing her name but a different birth date.
10. Underage #8, actual date of birth 4/02/2004 (age 19), was in possession of a vodka shirley mixed drink which she stated she purchased at the bar. She presented to Investigators a fraudulent Massachusetts driver's license bearing her name but a different birth date.
11. Underage #9, actual date of birth 7/24/2004 (age 19) was in possession of a beer which he stated he purchased at the bar. He presented to Investigators the expired Massachusetts driver's license of his older brother who is over 21 years of age.
12. Investigator Velez and Officer Harrington informed Kelvin Paulino, Licensee, of the violations and that a report would be filed with the Chief Investigator for further action.
13. Kelvin Paulino, Licensee and Manager of Record, appeared at the Commission hearing. He testified that Creed had employed an outside security company, and 8 security

personnel were on duty on the night of the Investigators' inspection. The company has since been terminated.

14. Mr. Paulino testified his own security employees are now checking identification outside the establishment as people seek to gain entrance to the licensed premises. In addition, bartenders and servers have discretion to refuse service if they question a patron's age and are also encouraged to request identification from patrons if they have concerns. The licensee has confiscated many fraudulent identifications. (Exhibit A)
15. The Licensee has hired a company to come into the licensed premises to conduct retraining of employees.
16. The Licensee has held a license under M.G.L. c. 138, § 12 since 2022 with no prior Commission 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: Ch. 138, § 34C – Possession of an alcoholic beverage by a person under 21 years of age (9 Counts).

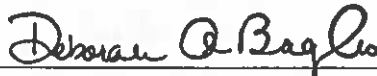
Therefore, the Commission **suspends the license for a period of 12 days of which 5 days will be served and 7 days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations are found by this Commission.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman



Dated: October 23, 2024

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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2023-000239-ad-enf

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