



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

August 26, 2022

EL PATRON MEXICAN RESTAURANT INC.
192 HARDING STREET
WORCESTER, MA 01610
LICENSE#: 00595-RS-1508
VIOLATION DATE: 5/05/2022
HEARD: 6/14/2022

After a hearing on June 14, 2022, the Commission finds El Patron Mexican Restaurant Inc. 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 years of age (4 Counts). The Commission **suspends the license for a period of five (5) days to be served.**

The suspension shall commence on Monday, October 17, 2022, and terminate on Friday, October 21, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, October 17, 2022, at 9:00 A.M. It will be returned to the licensee on October 22, 2022.

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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这份文件是重要的，应立即进行翻译.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Christopher Temple, Investigator
Alicia Cutter, Investigator
Sean Fleming, Investigator
Robert Gardner, Investigator
Jonathan Finkelstein, Esq.
Administration, File



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Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
Chairman

DECISION

**EL PATRON MEXICAN RESTAURANT INC.
192 HARDING STREET
WORCESTER, MA 01610
LICENSE#: 00595-RS-1508
VIOLATION DATE: 5/05/2022
HEARD: 6/14/2022**

El Patron Mexican Restaurant Inc. ("Licensee" or "El Patron") 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 14, 2022, regarding alleged violations 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 (4 Counts). Prior to the commencement of the hearing the Licensee stipulated to facts alleged in Investigator Temple's report.

The following documents are in evidence:

1. Investigator Temple's Report;
 2. ABCC Form 43, License Transfer Approval, 4/13/2015;
 3. Photograph of Fraudulent Identifications Confiscated;
 4. Licensee's Stipulation of Facts.
- A. Statement of Mirna Cazares, 6/13/2022;
 - B. Text messages of Mirna Cazares to Employees, 5/4/2022.

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

FINDINGS OF FACT

1. On Thursday May 5, 2022, at approximately 10:30 p.m., Investigators Cutter, Fleming, Gardner, and Temple ("Investigators") conducted an inspection of El Patron Mexican Restaurant Inc. ("Licensee" or "El Patron") to determine the manner in which its business was being conducted.
2. From outside the licensed premises Investigators observed a group of four youthful appearing female individuals in possession of tall plastic cups which contained different color liquids and limes.

3. Investigators entered the licensed premises, approached the four females, and asked if the cups contained alcoholic beverages. Upon confirmation that the four females were in possession of margaritas, the Investigators identified themselves and asked to see proof of legal age.
4. Underage #1, actual date of birth 11/08/2002 (age 19) stated that she was in possession of a margarita mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her name with a different birth date.
5. Underage #2, actual date of birth 10/26/2002 (age 19) stated that she was in possession of a margarita mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her name with a different birth date.
6. Underage #3, actual date of 1/17/2003 (age 19) stated that she was in possession of a margarita mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license in her name with a different birth date.
7. Underage #4, actual date of 5/26/2003 (age 19) stated that she was in possession of a margarita mixed drink. She presented to Investigators a fraudulent New York driver's license in her name with a different birth date.
8. Investigators asked to speak with the manager and were directed to an unidentified male and then to Mirna Cazares, Licensee and Manager of Record. Investigators informed them of the above violations and produced the fraudulent identifications.
9. A female employee approached Investigators and stated she had requested identification from the four female patrons. A patron also approached and stated he observed the server examining the four female patrons' identifications.
10. Investigators informed Ms. Cazares of the above violations and that a report would be submitted to the Chief Investigator for further review.
11. Ms. Cazares appeared at the Commission hearing. The Commission was informed that in anticipation of Cinco de Mayo, Ms. Cazares sent text messages to all servers reminding them to ask for identification of all patrons and to look for signs of overservice. Ms. Cazares testified that after the incident, all employees gathered at the licensed premises and were either TIPS certified or re-certified. She stated she plans to purchase a scanner. All new employees will be TIPS certified.
12. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015 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 years of age (4 Counts). Therefore, the Commission **suspends the license for a period of 5 days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah Baglio, Commissioner Deborah A. Baglio

Crystal Matthews, Commissioner Crystal Matthews

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

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: August 26, 2022

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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2022-000064-ad-enf

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