



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

April 8, 2013

JASMAT CORPORATION DBA MAHONEY'S
413 PARK AVE.
WORCESTER, MA 01608
LICENSE#: 150800140
VIOLATION DATE: 09/01/2012
HEARD: 03/26/2013

After a hearing on March 26, 2013, the Commission finds Jasmata Corporation dba Mahoney's in 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 (3 Counts).

The Commission suspends the licensee's license for a total of seven (7) days to be served. The suspension shall commence on Wednesday, May 29, 2013 and terminate on Tuesday, June 4, 2013. The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 29, 2013 at 9:00 A.M. It will be returned to the licensee Wednesday, June 5, 2013.

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. All checks must be certified and accompanied by the enclosed form, which must be signed by 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

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Administration
File



The Commonwealth of Massachusetts
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DECISION

JASMAT CORPORATION DBA MAHONEY'S
413 PARK AVE.
WORCESTER, MA 01608
LICENSE#: 150800140
VIOLATION DATE: 09/01/2012
HEARD: 03/26/2013

Jasmat Corporation dba Mahoney's (the "Licensee") holds an alcoholic beverages club license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 26, 2013, 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 years of age (3 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Nicholas Velez's Investigative Report.

The following documents are in evidence:

1. Investigator Nicholas Velez's Investigative Report dated November 1, 2012; and
2. Licensee's Stipulation of Facts.

There is one (1) audio recording of this hearing, and two (2) witnesses testified.

FACTS

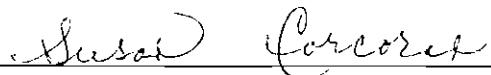
1. On Saturday, September 1, 2012, at approximately 12:45p.m., Investigators Keefe, Temple, Kenny, Velez and Worcester Police Officer Stout entered the licensed premises of Jasmat Corporation dba Mahoney's in order to determine the manner in which its business is conducted.
2. While on the premises, the attention of the investigators was drawn to a group of youthful appearing individuals in possession of what appeared to be alcoholic beverages, standing near the bar.
3. Investigators identified themselves and asked to see proof of legal drinking age.
4. Catherine Cafaro, actual date of birth [REDACTED] (age 20), was observed in actual possession of a gin and tonic.
5. Ms. Cafaro was in possession of a false New York License bearing her name with a date of birth of [REDACTED] (age 22) and an Ohio identification bearing the her name with a date of birth of [REDACTED] (age 24).
6. Ms. Cafaro stated to investigators that the door man did not check her identifications as she entered the licensed premises.
7. Margaret Fox, actual date of birth [REDACTED] (age 19), was observed in actual possession of a draft beer.

8. Ms. Fox was in possession of a false Illinois License bearing her name with a date of birth of [REDACTED] (age 21).
9. When speaking to Ms. Fox, she stated that her identification was not checked upon entering the licensed premises.
10. Thomas McCawley, actual date of birth [REDACTED] (age 19), was observed in actual possession of a draft beer identified as Pale Ale.
11. Mr. McCawley was in possession of a false Delaware License.
12. The license had the name Conor Prior on it with a date of birth of [REDACTED] (age 23).
13. Mr. McCawley also stated that he was not asked for identification when entering the licensed premises.
14. Investigators observed several youthful individuals exiting out of the back door as they were conducting their investigation.
15. Investigators noted multiple youthful in appearance individuals had dispersed from the licensed premises.
16. Investigators spoke to an unidentified male manager on duty at the licensed premises.
17. Investigators identified the under aged individuals to the manager and informed him that a violation report would be filed with the Chief Investigator for further 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 years of age (3 Counts). Therefore, the Commission **suspends the license of Jasmat Corporation dba Mahoney's for a period of seventeen (17) days, of which seven (7) days will be served and ten (10) days 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

Susan Corcoran, Commissioner 

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

Kathleen McNally, Commissioner 

DATE: April 8, 2013

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.

cc: Local Licensing Board
 Frederick G. Mahony, Chief Investigator
 Nicholas Velez, Investigator
 Administration
 File