



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

**Jean M. Lorizio, Esq.**  
*Chairman*

NOTICE OF SUSPENSION

June 25, 2025

**SEVEN HILLS VENTURE, INC. D/B/A THE BANNER BAR & GRILLE**  
**112-114 GREEN STREET**  
**WORCESTER, MA 01604**  
**LICENSE#: 00050-RS-1508**  
**VIOLATION DATE: 5/04/2024**  
**HEARD: 10/08/2024**

After a hearing on October 8, 2024, the Commission finds Seven Hills Venture, Inc. d/b/a The Banner Bar & Grille 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 (3 Counts).

**The Commission suspends the license for a period of three (3) days of which two (2) days will be served and one (1) day 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.**

**The suspension shall commence on Monday, August 11, 2025, and terminate on Tuesday August 12, 2025.** The license will be delivered to the Local Licensing Board or its designee on Monday, August 11, 2025, at 9:00 A.M. It will be returned to the licensee on August 13, 2025.

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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2024-000137-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Katherine McCormick, Associate General Counsel  
Brian Gould, Investigator  
Joseph DiCicco, Investigator  
Sean Fleming, Investigator  
Sean Smiddy, Investigator  
Nicholas Velez, Investigator  
Patrick Harrington, Worcester Police Department  
Administration, File



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

**DECISION**

**SEVEN HILLS VENTURE, INC. D/B/A THE BANNER BAR & GRILLE**  
**112-114 GREEN STREET**  
**WORCESTER, MA 01604**  
**LICENSE#: 00050-RS-1508**  
**VIOLATION DATE: 5/04/2024**  
**HEARD: 10/08/2024**

Seven Hills Venture, Inc. d/b/a The Banner Bar & Grille (“Licensee” or “Banner Bar”) 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, October 8, 2024, regarding an alleged violation 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 (8 Counts).

The following documents are in evidence:

1. Violation Report of Investigator B. Gould;
2. ABCC Form 43, Transfer of License Approval, 1/28/2016;
3. ABCC Decision, 9/13/2019.

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

**FINDINGS OF FACT**

1. On Saturday May 4, 2024, at approximately 11:55 p.m., Investigators DiCicco, Fleming, Smiddy, Velez, and Gould (“Investigators”) inspected the business operation of Seven Hills Venture, Inc. d/b/a The Banner Bar & Grille (“Licensee” or “Banner Bar”). (Testimony, Exhibit 1)
2. Upon entering the licensed premises Investigators observed multiple youthful appearing individuals in possession of alcoholic beverages. Their attention was drawn to the back right corner of the bar area, where Investigators identified themselves to patrons and requested proof of legal age to possess alcoholic beverages. *Id.*
3. Underage #1, actual date of birth 10/06/2004 (age 19), was in possession of a vodka cranberry mixed drink. She presented to Investigators a fraudulent Connecticut driver’s license bearing her name but a different birth date. *Id.*

4. Underage #2, actual date of birth 12/22/2003 (age 20), was in possession of a vodka and Sprite® mixed drink. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date. Id.
5. Underage #3, actual date of birth 10/25/2003 (age 20), was in possession of a rum and pineapple mixed drink. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date. Id.
6. Investigator Gould's report details the interaction of Investigator DiCicco with 5 additional individuals. (Exhibit 1)
7. The Licensee has held a license under M.G.L. c. 138, § 12 since 2016 with one prior violation. (Exhibit 2, 3)

### DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control, Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956), for which States have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses and required conduct of licensees who sell alcoholic beverages is set out in Massachusetts General Laws, Chapter 138.

Chapter 138 gives the Commission the authority to grant, revoke and suspend licenses. Chapter 138 was "enacted ... to serve the public need and ... to protect the common good." M.G.L. c. 138, § 23. "[T]he purpose of discipline is not retribution, but the protection of the public." Arthurs v. Bd. of Registration in Medicine, 383 Mass. 299, 317 (1981). The Commission is given "comprehensive powers of supervision over licensees." Connolly, 334 Mass. at 617.

The Licensee is charged with a violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: chapter 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age. A Commission regulation promulgated at 204 CMR 2.05(2) provides in pertinent part, that "[n]o licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not." The law is well-settled that 'under the regulation, [204 C.M.R. 2.05(2)] the responsibility of the licensee is to exercise sufficiently close supervision so that there is compliance with the law on the premises. A vendor who sells alcohol is "bound at his own peril to keep within the condition of his license." Burlington Package Liquors, Inc. v. Alcoholic Beverages Control Comm'n, 11 Mass. App. Ct. 785, 788 (1981); Commonwealth v. Gould, 158 Mass. 499, 507, (1893). It is, thus, quite possible for a licensee to offend the regulatory scheme without scienter. The licensee is responsible for illegalities that occur on the licensed premises. Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Comm'n, 19 Mass. App. Ct. 1026, 1027 (1985).

Massachusetts General Laws, Chapter 138, § 34C states, in pertinent part, that: "Whoever, being under twenty-one years of age and not accompanied by a parent or legal guardian, knowingly possesses any alcohol or alcoholic beverages, shall be punished..." M.G.L. c. 138, § 34C

Here, direct evidence was only presented through the testimony of Investigator Gould who observed and interacted with three individuals, Underage #1, Underage #2 and Underage #3 who were under the age of 21 and found on the licensed premises in possession of alcoholic beverages.

While Investigator Gould's report cites 5 additional counts of a violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C, the Investigative and Enforcement Division presented no direct evidence as to these counts. As such, this information is hearsay. A decision of a board that rests entirely on hearsay evidence cannot be sustained. See Moran v. School Committee of Littleton, 317 Mass. 591, 596-597 (1945) (citations omitted); Braintree Brew House LLC d/b/a The Brew House (ABCC Decision March 27, 2013) (violation of § 69 disapproved where all of the evidence presented to the Commission constituted hearsay). The Investigators have the burden of proving that a violation occurred. In the present case, no direct evidence was offered to prove 5 of the 8 counts.

The Commission is persuaded by the evidence that the Licensee committed a 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 21 years of age (3 counts).

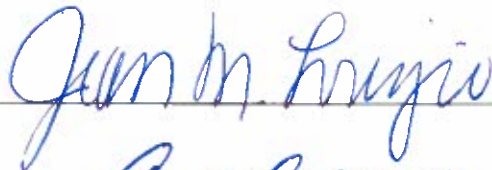
The Commission finds NO VIOLATION regarding the five additional counts.

#### 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 (3 Counts). Therefore, the Commission **suspends the license for a period of three (3) days of which two (2) days will be served and one (1) day 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


Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: June 25, 2025

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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