



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

Jean M. Lorizio, Esq.
Chair

DECISION

**SEVEN HILLS VENTURE, INC. D/B/A THE BANNER BAR & GRILLE
112 GREEN ST.
WORCESTER, MA 01613
LICENSE#: 1508-00050
VIOLATION DATE: 5/31/2019
HEARD: 9/03/2019**

Seven Hills Venture, Inc. d/b/a The Banner Bar & Grille (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, September 3, 2019, regarding an alleged violation of 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. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report;
2. Licensee Stipulation of Fact;
3. Licensee's Transfer Application Approved 1/28/2016;
4. Copy of Licensee's Certificate of Occupancy Permit;

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

FINDINGS OF FACT

1. On Friday, May 31, 2019, at approximately 11:35 p.m., Investigators Binienda and Velez ("Investigators") along with Officers Patrick Harrington, Ed Saucier, and Glen Stout ("Officers") of the Worcester Police Department Alcohol Enforcement Unit, conducted an investigation of the business operation of Seven Hills Venture, Inc. d/b/a The Banner Bar & Grille to determine the manner in which its business was being conducted.
2. Investigators and Officers entered the licensed premises and observed a large crowd confined within. Investigator Binienda asked the door man, Benny Veiga, how many people were inside the premises. Veiga looked at his mobile phone and stated 105 people.
3. Investigators conducted two separate counts of the occupants which resulted in approximately 110 people. The stated occupancy capacity is 87 persons.

4. Investigators spoke to the owner, Mathew Ormond, informed him of the violation and that a report would be filed with the Chief Investigator for review.
5. On Friday, May 17, 2019, Investigators Binienda and Velez had visited this licensed premises. On that date the premises contained approximately 120 people. Investigators issued a verbal warning about exceeding the occupancy load at that time.
6. On June 4, 2019, Investigator Velez contacted Deborah Steele, the licensing agent for the City of Worcester local licensing authority. Steele confirmed to Investigator Velez that the occupancy load of the licensed premises is 87.
7. The Licensee has held a license under M.G.L. c. 138, § 12 since 2016 with no previous violations.

CONCLUSION

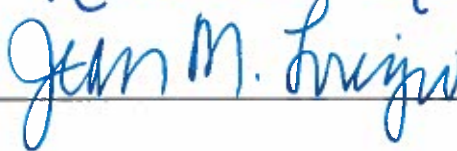
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: 527 CMR 1.05 § 10.5.2.1 Overcrowding or admittance of any person beyond the established posted occupant load shall be prohibited. Therefore, the Commission **suspends the license for four (4) days of which four (4) 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

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Dated: September 13, 2019

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Officer Patrick Harrington
Administration, File