



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

July 10, 2023

STELLA NGONYO LLC D/B/A BETH'S ON GRAFTON HILL
271 GRAFTON STREET
WORCESTER, MA 01604
LICENSE#: 06496-RS-1508
VIOLATION DATE: 2/09/2023
HEARD: 5/02/2023

After a hearing on May 2, 2023, the Commission finds Stella Ngonyo LLC d/b/a Beth's on Grafton Hill 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 (24 Counts).

The Commission **suspends the license for a period of 15 days to be served.**

The suspension shall commence on Monday, September 11, 2023, and terminate on Monday September 25, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, September 11, 2023, at 9:00 A.M. It will be returned to the licensee on Tuesday, September 26, 2023.

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
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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Alicia Cutter, Investigator
John David, Investigator
Sean Fleming, Investigator
Brian Gould, Investigator
Dennis Keefe, Investigator
Mark Kenny, Investigator
Jan Kujawski, Investigator
Officer Patrick Harrington, Worcester PD
Administration, File



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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Jean M. Lorizio, Esq.
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DECISION

**STELLA NGONYO LLC D/B/A BETH'S ON GRAFTON HILL
271 GRAFTON STREET
WORCESTER, MA 01604
LICENSE#: 06496-RS-1508
VIOLATION DATE: 2/09/2023
HEARD: 5/02/2023**

Stella Ngonyo LLC d/b/a Beth's on Grafton Hill ("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, May 2, 2023, 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. (24 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Cutter's report.

The following documents are in evidence:

1. Investigator Cutter's Report;
 2. ABCC Licensing Authority Certification, Transfer of License Approved 12/22/2021;
 3. Colored Photocopy of Fraudulent Driver's Licenses Confiscated;
 4. Licensee's Stipulation of Facts.
- A. Scanner Print-out (2 pages);
B. Signage.

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

FINDINGS OF FACT

1. On Thursday February 9, 2023, at approximately 11:30 p.m., Investigators David, Fleming, Gould, Keefe, Kenny, Kujawski, and Cutter ("Investigators"), along with Officer Patrick Harrington from the Worcester Police Alcohol Enforcement Unit, inspected Stella Ngonyo LLC d/b/a Beth's on Grafton Hill ("Licensee") to determine the way its business was being conducted.
2. Investigators entered the licensed premises and observed numerous youthful appearing individuals in possession of what appeared to be alcoholic beverages. Investigator Cutter

- approached some of the patrons, identified herself and requested proof of legal age to possess alcoholic beverages.
3. Underage #1, actual date of birth 7/12/2003 (age 19), was in possession of a Corona beer. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date.
 4. Underage #2, actual date of birth 6/22/2002 (age 20), was in possession of a Samuel Adams Wicked Hazy IPA. He presented to Investigators a New York driver's license bearing another's name and date of birth.
 5. Underage #3, actual date of birth 3/19/2003 (age 19), was in possession of a draft beer. She presented to Investigators a fraudulent California driver's license bearing her name but a different birth date.
 6. Underage #4, actual date of birth 5/12/2003 (age 19), was in possession of a Corona beer. She presented to Investigators a fraudulent Connecticut driver's license bearing her name but a different birth date.
 7. Investigator Kenny identified himself to several patrons and requested proof of legal age to possess alcoholic beverages.
 8. Underage #5, actual date of birth 3/24/2003 (age 19), was in possession of a vodka cranberry mixed drink. He presented to Investigators his brother's Connecticut driver's license.
 9. Underage #6, actual date of birth 5/23/2003 (age 19) was in possession of a vodka tonic mixed drink. She stated to Investigators that she was not asked for identification because she had arrived at the premises before an employee was checking identification.
 10. Investigator Fleming identified himself to several patrons and requested proof of legal age to possess alcoholic beverages.
 11. Underage #7, actual date of birth 10/21/2002 (age 20), was in possession of a Bud Light beer. He presented to Investigators a fraudulent New Jersey driver's license bearing his name but a different birth date.
 12. Investigator Kujawski identified himself to several patrons and requested proof of legal age to possess alcoholic beverages.
 13. Underage #8, actual date of birth 7/27/2002 (age 20), was in possession of a Bud Light beer. He presented to Investigators a fraudulent Massachusetts driver's license bearing his own name but a different birth date.
 14. Underage #9, actual date of birth 9/25/2002 (age 20) was in possession of a Bud Light beer. He presented to Investigators a fraudulent Connecticut driver's license bearing his name but a different birth date.
 15. Investigator Gould identified himself to patrons and requested proof of legal age to possess alcoholic beverages.

16. Underage #10, actual date of birth 12/18/2002 (age 20) was in possession of a Bud Light beer. He informed Investigator Gould he was not in possession of any fraudulent identification.
17. Underage #11, actual date of birth 11/27/2002 (age 20), was in possession of a Bud Light beer. He informed Investigator Gould he was not in possession of any fraudulent identification.
18. Underage #12, actual date of birth 5/29/2003 (age 19), was in possession of a Bud Light beer. He informed Investigator Gould he was not in possession of any fraudulent identification.
19. Underage #13, actual date of birth 9/13/2002 (age 20), was in possession of a Bud Light beer. He informed Investigator Gould he was not in possession of any fraudulent identification.
20. Underage #14, actual date of birth 1/22/2003 (age 20) was in possession of a Bud Light beer. She presented to Investigators a fraudulent Massachusetts driver's license bearing her name but a different birth date.
21. Investigator David identified himself to several patrons and requested proof of legal age to possess alcoholic beverages.
22. Underage #15, actual date of birth 3/13/2002 (age 20), was in possession of a vodka cranberry mixed drink. She informed Investigator David she was not in possession of any fraudulent identification.
23. Underage #16, actual date of birth 5/23/2003 (age 19), was in possession of a Bud Light beer. She informed Investigator David she was not in possession of any fraudulent identification.
24. Underage #17, actual date of birth 10/30/2002 (age 20), was in possession of a Bud Light beer. He presented to Investigators a fraudulent Iowa driver's license bearing his name but a different birth date.
25. Underage #18, actual date of birth 9/06/2002 (age 20), was in possession of a Bud Light beer. She informed Investigator David she was not in possession of any fraudulent identification.
26. Underage #19, actual date of birth 1/09/2003 (age 20), was in possession of a vodka soda mixed drink. He informed Investigator David he was not in possession of any fraudulent identification.
27. Investigator Keefe identified himself to several patrons and requested proof of legal age to possess alcoholic beverages.
28. Underage #20, actual date of birth 2/19/2003 (age 19), was in possession of a tequila sunrise mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license bearing the name and birth date of another person.

29. Underage #21, actual date of birth 8/08/2003 (age 19), was in possession of a Corona beer. She presented to Investigators a fraudulent Delaware driver's license bearing her name but a different birth date.
30. Underage #22, actual date of birth 10/30/2002 (age 20), was in possession of a vodka cranberry mixed drink. She presented to Investigators a fraudulent Rhode Island driver's license bearing her name but a different birth date.
31. Underage #23, actual date of birth 12/05/2002 (age 20), was in possession of a Corona beer. She presented to Investigators a fraudulent Massachusetts driver's license bearing her name but a different birth date.
32. Underage #24, actual date of birth 9/15/2002 (age 20), was in possession of a Wormtown Brewery Be Hoppy IPA. He presented to Investigators a fraudulent Connecticut driver's license bearing his name but a different birth date.
33. Investigators informed the Manager and Licensee, Beth Njoroge, of the violations and advised her that a report would be filed with the Chief Investigator for further review.
34. Ms. Njoroge appeared at the Commission hearing and testified all security personnel and bartenders are now equipped with scanners. She stated she has instituted a new policy wherein any patron presenting an out-of-state identification must produce backup identification or they will not be served.
35. The Licensee has held a license under M.G.L. c. 138, § 12 since 2021 with no prior violations.

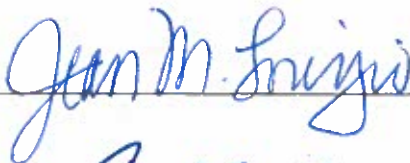
CONCLUSION

Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34C – Possession of an alcoholic beverage by a person under 21 years of age. (24 Counts)

Therefore, the Commission **suspends the license for a period of 30 days of which 15 days will be served and 15 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

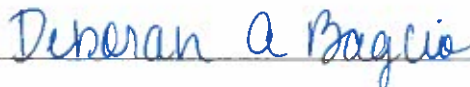
Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah Baglio, Commissioner



Dated: July 10, 2023

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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2023-000030-ad-enf

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