



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

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

NOTICE OF SUSPENSION

October 8, 2024

**TB RESTAURANT WORCESTER LLC D/B/A THE MERCANTILE**  
**2 MERCANTILE STREET**  
**WORCESTER, MA 01608**  
**LICENSE#: 05681-RS-1508**  
**VIOLATION DATE: 9/09/2022**  
**HEARD: 7/11/2023**

After a hearing on July 11, 2023, the Commission finds TB Restaurant Worcester LLC d/b/a The Mercantile 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 twenty-one (21) years of age. (2 Counts). The Commission **suspends the license for a period of two (2) days of which one (1) day 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 1-day suspension shall be served on Monday, November 25, 2024.** The license will be delivered to the Local Licensing Board or its designee on Monday, November 25, 2024, at 9:00 A.M. It will be returned to the licensee on November 26, 2024.

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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यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए

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‘Đây là tài liệu quan trọng và cần được dịch ngay’

ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

2022-000184-ad-enf

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
John David, Investigator  
Jamie Binienda, Investigator  
Sean Fleming, Investigator  
Patrick Harrington, Worcester Police Dept.  
Robert Allen, Esq.  
Administration, File



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**DECISION**

**TB RESTAURANT WORCESTER LLC D/B/A THE MERCANTILE**  
**2 MERCANTILE STREET**  
**WORCESTER, MA 01608**  
**LICENSE#: 05681-RS-1508**  
**VIOLATION DATE: 9/09/2022**  
**HEARD: 7/11/2023**

TB Restaurant Worcester LLC d/b/a The Mercantile (the "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, July 11, 2023, 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 twenty-one (21) years of age. (2 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator David's Report.

The following documents are in evidence:

1. Investigator David's Violation Report;
2. ABCC Licensing Authority Certification, New License Approved 8/7/2020;
3. Licensee's Stipulation of Facts.

This matter was heard on Tuesday, December 13, 2022, and the Commission issued a decision dated March 1, 2023.

On March 22, 2023, Robert Allen, counsel for the Licensee, submitted a Request for Rehearing based on the Licensee's having proceeded without legal representation. The Commission allowed the request on April 19, 2023, and a new hearing was held on July 11, 2023.

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

**FINDINGS OF FACT**

1. On Friday, September 9, 2022, Investigators Binienda, Fleming, Keefe and David (Investigators) inspected the business operation of TB Restaurant Worcester LLC d/b/a The Mercantile.
2. At approximately 11:40 p.m., Investigators entered the licensed premises and observed two youthful appearing female individuals who appeared to be drinking alcoholic beverages.

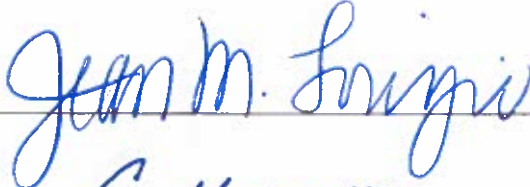
3. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
4. Underage #1, actual date of birth 11/24/2001 (age 20), was in possession of a Mai Tai.
5. Underage #2, actual date of birth 1/03/2003 (age 18) was in possession of a Mai Tai.
6. Investigators spoke with the manager on duty, informed her of the violation and that a report would be filed with the Chief Investigator for further review.
7. Adam Dorey, Vice President of Operations and Maxwell Rosen, Operations Leader of Broadway Hospitality Group, Member and Manager of the Licensee entity, appeared at the Commission hearing.
8. The Commission was informed the Licensee welcomes families who are in the area, often for events at Polar Park and the DCU Center. They frequent the establishment both before and after events. As such, patrons of all ages enter the licensed premises. After this incident, the Licensee reassessed its policies and procedures, and in an effort to accommodate families while at the same time ensuring any patrons under the age of 21 are not able to obtain alcoholic beverages, implemented the following: as of September 2022, all seeking entrance after 9:00 p.m. are required to produce identification, regardless of age; patrons who are under 21 years age and entering the establishment after 9:00 p.m. are only allowed access to the 1<sup>st</sup> floor; an employee is stationed at the top of the stairs to the 2<sup>nd</sup> floor and any patrons seeking entrance to the 2<sup>nd</sup> floor must again produce identification.
9. The Licensee has held a license under M.G.L. c. 138, § 12 since 2020 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 twenty-one (21) years of age. (2 Counts). Therefore, the Commission **suspends the license for a period of two (2) days of which one (1) day 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 A. Baglio, Commissioner



Dated: October 8, 2024

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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