



Jean M. Lorizio, Esq.  
Chairman

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*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: 617-727-3040  
Facsimile: 617-727-1510*

NOTICE OF SUSPENSION

February 22, 2017

**UNION PROPERTIES LLC D/B/A WHISKEY TANGO  
377 PARK AVE.  
WORCESTER, MA 01604  
LICENSE# 150800138  
VIOLATION DATE: 10/07/2016  
HEARD: 02/21/2017**

After a hearing on February 21, 2017, the Commission finds Union Properties LLC d/b/a Whiskey Tango 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 (21) years of age (6 counts).

The Commission suspends the license for a period of twenty (20) days of which ten (10) 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.

The suspension shall commence on Wednesday, April 19, 2017 and terminate on Friday, April 28, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, April 19, 2017 at 9:00 A.M. It will be returned to the licensee on Saturday, April 29, 2017.

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.

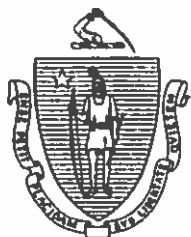
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Jean M. Lorizio  
Chairman

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Joseph Di Cicco, Investigator  
J. Kujawski, N. Velez, Investigators  
Administration, File



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## **DECISION**

**UNION PROPERTIES LLC D/B/A WHISKEY TANGO  
377 PARK AVE.  
WORCESTER, MA 01604  
VIOLATION DATE: 10/07/2016  
LICENSE# 150800138  
HEARD: 02/21/2017**

Union Properties LLC d/b/a Whiskey Tango (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, February 21, 2017, 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 (21) years of age (6 counts). Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Di Cicco's report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
2. Licensee's Stipulation of Facts;
3. RMV Printout of Underage # 1;
4. RMV Printout of Underage #2;
5. RMV Printout of Underage #3;
6. RMV Printout of Underage #4;
7. RMV Printout of Underage #5; and
8. RMV Printout of Underage #6.

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

The Commission took Administrative Notice of the Licensee's record.

## **FINDINGS OF FACT**

1. On Friday, October 7, 2016, at approximately 12:10 a.m., Investigators Kujawski, Velez, and Di Cicco, along with Chief Investigator Mahony ("Investigators") conducted an investigation of the business operation of Union Properties LLC d/b/a Whiskey Tango to

determine the manner in which its business was being conducted. Investigators were accompanied by officers from the Worcester Police Department.

2. Investigators observed multiple youthful appearing individuals in possession of alcoholic beverages. Many of these individuals abandoned their alcoholic beverages and quickly departed from the premises as Investigators and police officers identified themselves and asked to see proof of legal age.
3. Investigator Di Cicco and Worcester Police Officer Saucier observed two youthful appearing individuals, both in possession of clear plastic cups containing a light amber colored liquid. Investigators asked these individuals to identify the liquid and for proof of age.
4. Underage #1, actual date of birth 6/01/1997 (age 19) was in possession of a draft beer. She presented Investigators with a Massachusetts driver's license in another person's name. Underage #1 stated she used the false identification to gain entry to the establishment.
5. Underage #2, actual date of birth 6/23/1997 (age 19) was in possession of a draft beer. She had only her college student identification.
6. Investigators observed two youthful appearing individuals, standing in front of the bar, who were in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
7. Underage #3, actual date of birth 12/08/1995 (age 20) was in possession of a draft beer.
8. Underage #4, actual date of birth 11/22/1995 (age 20) was in possession of a draft beer. Each of these individuals presented her true identification which each had used to gain entry into the licensed premises. Investigators noted that each identification stated the person was under 21 years of age.
9. Investigators observed another youthful appearing individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age.
10. Underage #5, actual date of birth 4/21/1996 (age 20) was in possession of a mixed drink. She presented Investigators with a false Rhode Island driver's license. She stated that she used her fraudulent identification to gain entry to the establishment.
11. Chief Mahony observed a youthful appearing individual in possession of a Corona Light beer and he asked to see proof of age.
12. Underage #6, actual date of birth 2/16/1996 (age 20) was in possession of a Corona Light beer. He stated that he only had a college student identification.
13. Investigators informed the manager and staff members of the violations and that a report would be filed with the Commission for 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 (21) years of age (6 counts). Therefore the Commission **suspends the license for a period of twenty (20) days of which ten (10) 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**

Jean M. Lorizio, Chairman

*Jean M. Lorizio*

Elizabeth Lashway, Commissioner

*Elizabeth Lashway*

Kathleen McNally, Commissioner

*Kathleen McNally*

Dated: February 22, 2017

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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