



Jean M. Lorizio, Esq.
Chairman

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

July 19, 2018

**V & E LLC D/B/A LEITRIMS
265-269 PARK AVE.
WORCESTER, MA 01609
LICENSE#: 1508-03981
VIOLATION DATE: 4/20/2018
HEARD: 7/17/2018**

After a hearing on July 17, 2018, the Commission finds V & E LLC d/b/a Leitrims 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 (3 counts).

The Commission suspends the license for a period of eleven (11) days of which three (3) days will be served and eight (8) 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, September 5, 2018 and terminate on Friday, September 7, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, September 5, 2018 at 9:00 A.M. It will be returned to the Licensee on September 8, 2018.

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

A handwritten signature in black ink, appearing to read "Jean M. Lorizio".

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Jamie Binienda, Investigator
Michael Teehan, Investigator
Daniel D. Kelly, Esq. via facsimile 413-733-1245
Administration, File



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DECISION

**V & E LLC D/B/A LEITRIMS
265-269 PARK AVE.
WORCESTER, MA 01609
LICENSE#: 1508-03981
VIOLATION DATE: 4/20/2018
HEARD: 7/17/2018**

V & E LLC d/b/a Leitrims (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, July 17, 2018, 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 (3 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Kujawski's Report.

The following documents are in evidence:

1. Investigator Kujawski's Investigative Report;
2. Licensee's Stipulation of Facts;
3. RMV Printout for Minors; and
4. Photocopy of Fraudulent driver's licenses.

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, April 20, 2018, at approximately 10:30 p.m., Investigators Teehan, Binienda and Kujawski ("Investigators"), along with members of the Worcester Police Department's Alcohol Unit ("Officers"), conducted an investigation of the business operation of V & E LLC d/b/a Leitrims to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators and Officers observed youthful appearing individuals in possession of alcoholic beverages. Investigators and Officers identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 4/09/1998 (age 20) was in possession of a bottle of Bud Light beer. Underage #1 presented to Investigators a fraudulent Maryland driver's license.
4. Underage #2, actual date of birth 12/16/1997 (age 20) was in possession of a draft Bud Light beer. Underage #2 presented to Investigators a fraudulent North Carolina driver's license.
5. Underage #3, actual date of birth 6/19/1998 (age 18) was in possession of a draft Bud Light beer. Underage #3 informed Officers of her true age and presented to them a valid Massachusetts driver's license.
6. Investigators and Officers contacted the manager of record, Emilie Courtney, and identified the underage individuals who were in possession of alcoholic beverages.
7. Investigators informed Courtney of the violations and that a report would be filed with the Chief Investigator 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 (3 counts).

Therefore, the Commission **suspends the license for a period of eleven (11) days of which three (3) days will be served and eight (8) 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



Elizabeth A. Lashway, Commissioner



Dated: July 19, 2018

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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