

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

**NOTICE OF SUSPENSION**

December 16, 2016

**WHISKEY ON WATER LLC D/B/A WHISKEY ON WATER**  
**97 WATER STREET**  
**WORCESTER, MA 01608**  
**LICENSE#: 150800600**  
**VIOLATION DATE: 07/15/2016**  
**HEARD: 12/06/2016**

After a hearing on Tuesday, December 6, 2016, the Commission finds Whiskey on Water LLC d/b/a Whiskey on Water 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 (1 Count).

The Commission suspends the license for three (3) days of which one (1) day will be served and two (2) 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, February 8, 2017 and terminate on Wednesday, February 8, 2017. The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 8, 2017 at 9:00 A.M. It will be returned to the Licensee Thursday, February 9, 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.

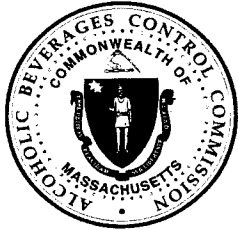
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
 Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Joseph Di Cicco, Investigator  
Dennis Keefe, Investigator  
Nicholas Velez, Investigator  
Administration, File



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**DECISION**

**WHISKEY ON WATER LLC D/B/A WHISKEY ON WATER**  
**97 WATER STREET**  
**WORCESTER, MA 01608**  
**LICENSE#: 150800600**  
**VIOLATION DATE: 07/15/2016**  
**HEARD: 12/06/2016**

Whiskey on Water LLC d/b/a Whiskey on Water (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, December 6, 2016, regarding an alleged violation of M.G.L. c. 138, § 34C- Possession of an Alcoholic Beverage by a person under twenty-one (21) years of age (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report dated July 15, 2016;
2. Licensee's Stipulation of Facts;
3. Identification and Massachusetts Registry of Motor Vehicle Documentation for Underage 1; and
4. Identification and Massachusetts Registry of Motor Vehicle Documentation for Underage 2.

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, July 15, 2016, at approximately 12:03 a.m., Investigators Di Cicco, Keefe and Velez (Investigators) investigated the business operation of Whiskey on Water LLC d/b/a Whiskey on Water to determine the manner in which their business was being conducted.

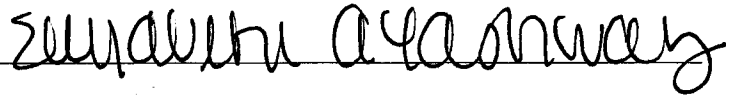
2. Investigators observed three youthful appearing individuals in possession of alcoholic beverages seated at the bar.
3. Investigators asked the individuals for identification.
4. One individual produced a United States Passport and was of legal drinking age.
5. The other two individuals produced Massachusetts driver's licenses.
6. Investigators were able to determine that the Massachusetts driver's licenses were not the individuals that Investigators were speaking with.
7. The two individuals with Massachusetts driver's licenses were both in possession of Long Island Ice Teas.
8. Underage 1 produced identification that was not her own to Investigators and was twenty (20) years of age.
9. Underage 2 produced identification that was not her to Investigators and was twenty (20) years of age.
10. Underage 1 and Underage 2 both admitted using the identifications to enter the licensed establishment and obtain alcoholic beverages.
11. Investigators informed the licensee of the violation and pointed out the two underage individuals.
12. Investigators informed the licensee that Underage 1's identification they provided did not reasonably resemble her and the licensee would be charged with M.G.L. c. 138, § 34C for that specific underage individual.
13. Investigators informed the licensee that Underage 2's identification they provided did reasonably resemble her and that licensee would not be charged with M.G.L. c. 138, § 34C for that specific underage individual.
14. Investigators informed the licensee that a report would be filed and submitted to 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 (1 Count). Therefore, the Commission **suspends the license for three (3) days of which two (1) day will be served and two (2) 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**

Elizabeth A. Lashway, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: December 16, 2016

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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