



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

June 8, 2023

**WHISKEY ON WATER LLC
97 WATER STREET
WORCESTER, MA 01604
LICENSE#: 00600-GP-1508
VIOLATION DATE: 2/03/2023
HEARD: 5/09/2023**

After a hearing on May 9, 2023, the Commission finds Whiskey on Water LLC 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 (3 Counts). The Commission **suspends the license for a period of three (3) days to be served.**

The suspension shall commence on Monday, July 31, 2023, and terminate on Wednesday, August 2, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, July 31, 2023, at 9:00 A.M. It will be returned to the licensee on August 3, 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.

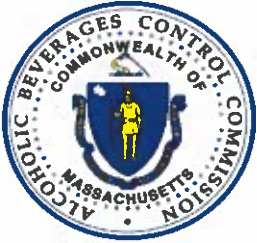
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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- cc: Local Licensing Board
- Frederick G. Mahony, Chief Investigator
- Kyle E. Gill, Esq., Associate General Counsel
- Dennis Keefe, Investigator
- Brian Gould, Investigator
- Officer Patrick Harrington, Worcester Police Dept.
- Sean Murray, Esq.
- Administration, File



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DECISION

**WHISKEY ON WATER LLC
97 WATER STREET
WORCESTER, MA 01604
LICENSE#: 00600-GP-1508
VIOLATION DATE: 2/03/2023
HEARD: 5/09/2023**

Whiskey on Water LLC (“Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, May 9, 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 21 years of age (3 Counts). Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigator Keefe’s report.

The following documents are in evidence:

1. Investigator Keefe’s Report;
2. ABCC Form 43, New License Approval, 11/9/2015;
3. Photocopy of False Identifications Confiscated;
4. ABCC Decision, 3/10/2023;
5. ABCC Decision, 12/16/2016;
6. List of City of Worcester Violations submitted by Officer Harrington, 5/2/2023;
7. Licensee’s Stipulation of Facts.

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

1. On Friday, February 3, 2023, at approximately Midnight, Investigators Gould and Keefe (“Investigators”) along with officers from Worcester Alcohol Enforcement Unit and members of the Worcester Fire Department (“Officers”) inspected Whiskey on Water LLC (“Licensee”) to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators proceeded upstairs where they observed a large crowd of patrons containing many youthful appearing individuals, in possession of what appeared to be alcoholic beverages. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.

3. Underage #1, actual date of birth 9/20/2002 (age 20), was in possession of a Long Island Iced Tea. She provided to Investigators a fraudulent Colombia identification.
4. Underage #2, actual date of birth 8/16/2004 (age 18), presented to Investigators his brother's Rhode Island driver's license. He was in possession of a vodka and Red Bull mixed drink.
5. Underage #3, actual date of birth 8/01/2003 (age 19), presented to Investigators a fraudulent Rhode Island identification. He was in possession of a vodka and Red Bull mixed drink.
6. Investigators spoke to the manager on duty and informed him of the violations, and that a report would be submitted to the Chief Investigator for further review.
7. Ben Dacey, Manager of Record, appeared at the Commission hearing. The Commission was informed that since this violation, the Licensee has ceased accepting out of state identification as proof of age and only accepts identification specified in M.G.L. c. 138. They have prominently posted a sign at the front of the premises which lists acceptable forms of identification. The Licensee has conducted two training sessions for all staff members, obtained an updated I.D. Book and continues to utilize a black light to assist in assessing identification presented by patrons. Finally, the Licensee's scanner was updated in March and the Licensee continues to research a possible upgrade.
8. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015 with 2 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. (3 Counts). Therefore, the Commission **suspends the license for a period of three (3) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman _____

Jean M. Lorizio

Crystal Matthews, Commissioner _____

Crystal Matthews

Deborah Baglio, Commissioner _____

Deborah A. Baglio

Dated: June 8, 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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2023-000035-ad-enf

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Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
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Officer Patrick Harrington, Worcester Police Dept.
Sean Murray, Esq.
Administration, File