



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

January 29, 2020

**WINTERGREEN PARTNERS INC. D/B/A UNION TAVERN
65 GREEN ST.
WORCESTER, MA 01604
LICENSE#: 00447-RS-1508
VIOLATION DATE: 9/19/2019
HEARD: 1/28/2020**

After a hearing on January 28, 2020, the Commission finds Wintergreen Partners Inc. d/b/a Union Tavern 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 to a person under twenty-one years of age (8 counts).

The Commission suspends the license for a period of four (4) days of which two (2) days 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 Monday, March 16, 2020 and terminate on Tuesday, March 17, 2020. The license will be delivered to the Local Licensing Board or its designee on Monday, March 16, 2020 at 9:00 A.M. It will be returned to the licensee on March 18, 2020.

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
Christopher Temple, Investigator
Brian Gould, Investigator
Dennis Keefe, Investigator
Officer Patrick Harrington, Worcester Police Department
Administration, File



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DECISION

**WINTERGREEN PARTNERS INC. D/B/A UNION TAVERN
65 GREEN ST.
WORCESTER, MA 01604
LICENSE#: 00447-RS-1508
VIOLATION DATE: 9/19/2019
HEARD: 1/28/2020**

Wintergreen Partners Inc. d/b/a Union Tavern (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, January 28, 2020, 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 to a person under twenty-one years of age (8 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Investigative Report;
2. Licensee Stipulation of Facts;
3. Copy of License Transfer Approval, 12/6/2013;
4. Beneficial Interest Report, 2/26/2019 ;
5. Photocopies of Fraudulent Driver's Licenses;
6. List of Licensee's LLA Violations.

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

FINDINGS OF FACT

1. On Thursday, September 19, 2019, at approximately 11:10 p.m., Investigators Gould, Keefe, and Temple ("Investigators"), along with members of the Worcester Police Department Liquor Enforcement Unit ("Officers") conducted an investigation of the business operation of Wintergreen Partners Inc. d/b/a Union Tavern to determine the manner in which its business was being conducted.

2. Investigators observed four youthful appearing individuals, to the right of the entrance, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 4/30/2001 (age 18) was in possession of a vodka and cranberry. She presented to Investigators a fraudulent Pennsylvania driver's license.
4. Underage #2, actual date of birth, 5/2/2001 (age 18), was in possession of a vodka and cranberry. She presented to Investigators a fraudulent Maine driver's license.
5. Underage #3, actual date of birth, 8/07/2001 (age 18), was in possession of a bottle of Bud Light beer. She presented to Investigators a fraudulent Connecticut driver's license.
6. Underage #4, actual date of birth, 5/04/2000 (age 19), was in possession of a bottle of Bud Light beer. She presented to Investigators a fraudulent Pennsylvania driver's license.
7. Investigators identified these four females to the doormen, and to the manager, Wayne Russell. Investigators ensured the underage females were provided with safe transport home.
8. As Investigators requested information from these four underage females, they observed two youthful appearing individuals, walking towards the right of the entrance, in possession of alcoholic beverages. Investigators Gould and Temple identified themselves and asked to see proof of legal age.
9. Underage #5, actual date of birth, 6/17/2000 (age 19), was in possession of a vodka and cranberry. She presented to Investigators a fraudulent Connecticut driver's license.
10. Underage #6, actual date of birth, 8/7/2000 (age 19), was in possession of a vodka and cranberry. She presented to Investigators a fraudulent Massachusetts driver's license.
11. Investigators identified these two females to the doormen, and to the manager, Wayne Russell. Investigators ensured the underage females were provided with safe transport home.
12. Investigator Keefe and Worcester Police Officers observed four youthful appearing individuals, seated at a table to the right of the entrance, in possession of alcoholic beverages. Investigator and Officers identified themselves and asked to see proof of legal age.
13. Underage #7, actual date of birth, 1/02/2001 (age 18), was in possession of a mixed drink. She presented to Investigators fraudulent New York driver's license.
14. Underage #8, actual date of birth, 9/09/2000 (age 19), was in possession of a rum and Coke® mixed drink. He presented to Investigators a fraudulent New York driver's license.
15. Underage #9, actual date of birth, 9/14/2000 (age 19), was in possession of a Corona beer. She presented to Investigators a fraudulent Connecticut driver's license.

16. Underage #10, actual date of birth, 4/18/2001 (age 18), was in possession of a vodka green tea. He presented to Investigators an imposter Massachusetts driver's license in another person's name.
17. Investigators identified these four individuals to the doormen, and to the manager, Wayne Russell. Investigators ensured the underage individuals were provided with safe transport home.
18. Investigator Keefe and a member of the Worcester Police Department observed two more youthful appearing females, seated at the bar, in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
19. Underage #11, actual date of birth, 11/24/2000 (age 18), was in possession of a rum and Coke[®] mixed drink. She presented to Investigators a fraudulent Massachusetts driver's license.
20. Underage #12, actual date of birth, 10/25/2000 (age 18), was in possession of a vodka and soda. She presented to Investigators a fraudulent Massachusetts driver's license.
21. Investigators identified these two individuals to the doormen and to Wayne Russell.
22. Investigators informed Mr. Russell of the above violations and that a report would be filed with the Chief Investigator for further action.
23. Although the Investigative Report cited 12 violations, the Investigative Unit moved forward with only eight (8) counts as it was determined that the Licensee reasonably relied upon the Massachusetts identifications presented.
24. The Licensee testified that they no longer accept out of state identifications. He informed the Commission that going forward he intends to operate more as a restaurant as opposed to a nightclub.
25. Since the September incident, all of the employees have been TIPS certified. The Licensee and his employees have also participated in a training class offered by the Worcester Police Department Liquor Enforcement Unit.
26. The Licensee has held a license under M.G.L. c. 138, § 12 since 2013 with a no prior ABCC violations.

CONCLUSION

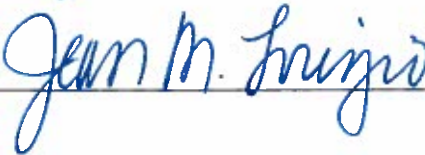
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C – Possession of an alcoholic beverage to a person under twenty-one years of age (8 counts). Therefore, the Commission **suspends the license for a period of four (4) days of which two (2) days 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

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: January 29, 2020

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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