

*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*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

May 16, 2018

**90 HARDING STREET LLC D/B/A THE COMPASS TAVERN
90 HARDING STREET
WORCESTER, MA 01608
LICENSE#: 1508-00589
VIOLATION DATE: 3/16/2018
HEARD: 5/15/2018**

After a hearing on May 15, 2018, the Commission finds 90 Harding Street LLC d/b/a The Compass 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 by a person under twenty-one (21) years of age (1 count).

The Commission suspends the license for a period of five (5) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated February 28, 2018, the Commission previously ordered a 2-day suspension to be held in abeyance provided no further violations of Chapter 138 or Commission Regulations occurred. Based on the violation found above, the Licensee violated the conditions of that 2-day suspension being held in abeyance. The Commission hereby orders that suspension to be served. The Licensee will serve a total of two (2) days.

The suspension shall commence on Wednesday, July 11, 2018 and terminate on Thursday, July 12, 2018. The license will be delivered to the Local Licensing Board or its designee on Wednesday, July 11, 2018 at 9:00 A.M. It will be returned to the Licensee on July 13, 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.

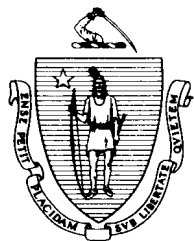
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Mark Kenny, Investigator
Brian Burke, Esq. via facsimile 978-486-9362
Administration, File



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DECISION

**90 HARDING STREET LLC D/B/A THE COMPASS TAVERN
90 HARDING STREET
WORCESTER, MA 01608
LICENSE#: 1508-00589
VIOLATION DATE: 3/16/2018
HEARD: 5/15/2018**

90 Harding Street LLC d/b/a The Compass 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, May 15, 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 (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged 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; and
3. Photocopy of Fraudulent Driver's License.

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, March 16, 2018, at approximately 12:00 a.m., Investigators Kujawski, Kenny, Keefe and Di Cicco ("Investigators"), along with Officers from the Worcester Police Department, conducted an investigation of the business operation of 90 Harding Street LLC d/b/a The Compass Tavern to determine the manner in which its business was being conducted.

2. While inside the licensed premises, Investigators observed a youthful looking individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 4/04/1999 (age 18) was in possession of a vodka and soda. She presented to Investigators a fraudulent Connecticut driver's license. She stated that she has used this fraudulent license to gain entry to the premises and obtain a bracelet which indicated that she was 21 or older and allowed her to obtain an alcoholic beverage.
4. Investigators identified the underage to staff members. Investigators and Worcester Police Officers ensured safe transport home for the underage individual.
5. Investigators spoke to the owner, David Domenick, and informed him of the violation and that a report would be filed with the Chief Investigator for further action.

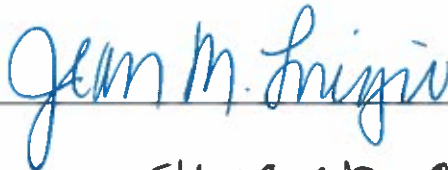
CONCLUSION

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 a period of five (5) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

By decision dated 2/28/2018, the Commission previously ordered a 2-day suspension to be held in abeyance provided no further violations of Chapter 138 or Commission Regulations occurred. Based on the violation found above, the Licensee violated the conditions of that 2-day suspension being held in abeyance. The Commission hereby orders that suspension to be served. The Licensee will serve a total of two (2) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: May 16, 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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