



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

March 31, 2016

ELITE CLUB ENTERPRISE, INC. D/B/A RIVIERA SHOW CLUB
241 SOUTHBRIDGE ST.
WORCESTER, MA 01608
LICENSE#: 150800182
VIOLATION DATE: 12/16/2015
HEARD: 03/29/2016

After a hearing on March 29, 2016, the Commission finds Elite Club Enterprise, Inc. d/b/a Riviera Show Club violated M.G.L. c. 138, §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count).

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.**

The suspension shall commence on Wednesday, May 25, 2016 and terminate on Thursday, May 26, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 25, 2016 at 9:00 A.M. It will be returned to the licensee Friday, May 27, 2016.

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Mark Kenny, Investigator
Louis Cassis Esq. via facsimile 617-472-9028
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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Deborah B. Goldberg
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DECISION

ELITE CLUB ENTERPRISE, INC. D/B/A RIVIERA SHOW CLUB
241 SOUTHBRIDGE ST.
WORCESTER, MA 01608
LICENSE#: 150800182
VIOLATION DATE: 12/16/2015
HEARD: 03/29/2016

Elite Club Enterprise, Inc. d/b/a Riviera Show Club (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, March 29, 2016, regarding an alleged violation of M.G.L. c. 138, §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report dated December 16, 2015; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Wednesday, December 16, 2015, at approximately 10:00 p.m., Investigators Kenny and Velez ("Investigators") investigated the business operation of Elite Club Enterprise, Inc. d/b/a Riviera Show Club to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises where their attention was drawn to a male individual who appeared intoxicated.

3. At approximately 10:15 p.m., Investigators observed Keith sitting on a chair situated near the stage. They observed that Keith's eyes were glassy, watery, red and bloodshot. Keith had a dazed look.
4. At approximately 10:22 p.m., Investigators observed Keith get up from his chair. Keith appeared unsteady on feet, and swayed as he walked to the rear of the establishment.
5. At approximately 10:26 p.m., Investigators observed Keith walking unsteadily on his feet as he returned from the back of the establishment to his chair. Keith stumbled into Investigators, mumbled something unintelligible, and continued walking towards the bar.
6. At approximately 10:27 p.m., Investigators observed Keith standing near the bar talking to an unidentified female. Keith's speech was thick and slurred.
7. Based on their training and experience, Investigators formulated the opinion that Keith was intoxicated.
8. At approximately 10:29 p.m., Investigators observed a female bartender serve Keith a Corona beer.
9. At approximately 11:32 p.m., Investigators observed Keith stagger as he exited a private room and proceeded to the bar.
10. Investigators observed an employee approach Keith, who then exited the premises.
11. Investigators exited the premises and observed Keith enter the passenger seat of a taxi cab. The cab driver provided Keith with safe transport home.
12. Lt. James Johnson and other members of the Worcester Police Department, along with Investigators and Chief Investigator Mahony, entered the licensed premises.
13. Investigators identified Keith to the assistant manager on duty, Miril Mousk.
14. Mr. Mousk stated that Keith may have come in like that (referring to Keith's level of intoxication). Mousk stated that a female employee informed him that Keith was staggering as he walked.
15. Investigators informed Mr. Mousk 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 M.G.L. c. 138, §69- Sale or delivery of an alcoholic beverage to an intoxicated person (1 count). Therefore, the Commission **suspends the license for 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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: March 31, 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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