



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

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

March 1, 2023

**TB RESTAURANT WORCESTER LLC D/B/A THE MERCANTILE
2 MERCANTILE STREET
WORCESTER, MA 01608
LICENSE#: 05681-RS-1508
VIOLATION DATE: 9/09/2022
HEARD: 12/13/2022**

After a hearing on December 13, 2022, the Commission finds TB Restaurant Worcester LLC d/b/a The Mercantile 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 twenty-one (21) years of age. (2 Counts). The Commission **suspends the license for a period of three (3) days to be served.**

The suspension shall commence on Monday, April 24, 2023, and terminate on Wednesday, April 26, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, April 24, 2023, at 9:00 A.M. It will be returned to the licensee on April 27, 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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'Đây là tài liệu quan trọng và cần được dịch ngay'
ឯកសារនេះសំខាន់ណាស់ ហើយត្រូវបកប្រែជាបន្ទាន់។

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
John David, Investigator
Jamie Binienda, Investigator
Sean Fleming, Investigator
Patrick Harrington, Worcester Police Dept.
Administration, File



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DECISION

**TB RESTAURANT WORCESTER LLC D/B/A THE MERCANTILE
2 MERCANTILE STREET
WORCESTER, MA 01608
LICENSE#: 05681-RS-1508
VIOLATION DATE: 9/09/2022
HEARD: 12/13/2022**

TB Restaurant Worcester LLC d/b/a The Mercantile (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, December 13, 2022, 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 twenty-one (21) years of age. (2 Counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator David's Report.

The following documents are in evidence:

1. Investigator David's Report;
2. ABCC Licensing Authority Certification, Transfer of License Approved, 8/7/2020;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

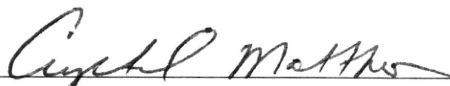
1. On Friday, September 9, 2022, Investigators Binienda, Fleming, Keefe and David (Investigators) inspected the business operation of TB Restaurant Worcester LLC d/b/a The Mercantile.
2. At approximately 11:40 p.m., Investigators entered the licensed premises and observed two youthful appearing female individuals in possession of what appeared to be alcoholic beverages.

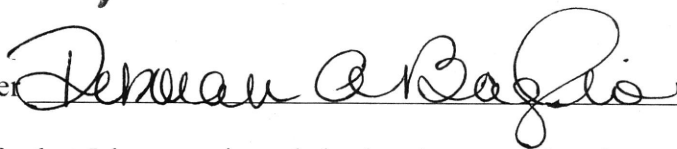
3. Investigators identified themselves and asked to see proof of legal age to possess alcoholic beverages.
4. Underage #1, actual date of birth 11/24/2001 (age 20), was in possession of a Mai Tai mixed drink.
5. Underage #2, actual date of birth 1/03/2003 (age 18) was in possession of a Mai Tai mixed drink.
6. Investigators spoke with the manager on duty and informed her of the violations and that a report would be filed with the Chief Investigator for further review.
7. Adam Dorey and Maxwell Rosen appeared on behalf of the Licensee at the Commission hearing. They testified as to policies and procedures which had been in place at the establishment prior to this incident and their efforts to prevent future incidents.
8. The Licensee has held a license under M.G.L. c. 138, § 12 since 2020 with no prior violations.

CONCLUSION

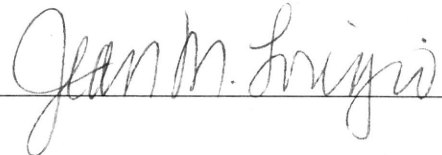
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch.138 §34C – Possession of an alcoholic beverage by a person under twenty-one (21) years of age. (2 Counts). Therefore, the Commission **suspends the license for a period of three (3) days to be served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Deborah A. Baglio, Commissioner 

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

Jean M. Lorizio, Chairman 

Dated: March 1, 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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2022-000184-ad-enf

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- Kyle E. Gill, Esq., Associate General Counsel
- John David, Investigator
- Jamie Binienda, Investigator
- Sean Fleming, Investigator
- Patrick Harrington, Worcester Police Dept.
- Administration, File