



*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 10, 2023

**WHISKEY ON WATER LLC
97 WATER STREET
WORCESTER, MA 01604
LICENSE#: 00600-GP-1508
VIOLATION DATE: 12/01/2022
HEARD: 1/31/2023**

After a hearing on January 31, 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 (4 Counts). The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, May 1, 2023, and terminate on Tuesday, May 2, 2023. The license will be delivered to the Local Licensing Board or its designee on Monday, May 1, 2023, at 9:00 A.M. It will be returned to the licensee on May 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.

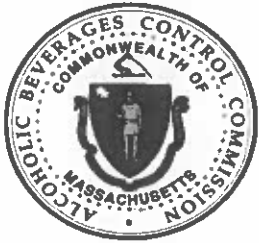
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

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
Nicholas Velez, Investigator
Brian Gould, Investigator
Jan Kujawski, Investigator
Katelyn Quinn, Investigator
Christopher Temple, Investigator
Adam Schmaelzle, Esq.
Administration, File



*Commonwealth of Massachusetts
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Chairman

DECISION

**WHISKEY ON WATER LLC
97 WATER STREET
WORCESTER, MA 01604
LICENSE#: 00600-GP-1508
VIOLATION DATE: 12/01/2022
HEARD: 1/31/2023**

Whiskey on Water LLC ("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, January 31, 2023, regarding alleged violations of:

- 1) 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 (4 Counts);
- 2) 204 CMR 4.03 (1) No licensee or employee, or agent of a licensee shall: (b) Deliver two or more drinks to one (1) person at a time.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Report;
 2. ABCC Form 43, New License Approval, 11/9/2015;
 3. Photograph of Fraudulent Massachusetts Driver's Licenses Confiscated;
 4. Massachusetts Registry of Motor Vehicles Driver's Licenses Printouts with Color Photographs;
 5. ABCC Decision, 12/16/2016;
 6. Licensee's Stipulation of Facts.
- A. Crowd Manager Training Certificates for Licensee's Employees.

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

FINDINGS OF FACT

1. On Thursday, December 1, 2022, at approximately 11:00 p.m., Investigators Gould, Kujawski, Temple, Quinn, and Velez ("Investigators") inspected the business operation of Whiskey on Water LLC.
2. Investigators entered the licensed premises and Investigators Gould, Temple, and Velez proceeded to the second floor of the establishment. They identified themselves to several individuals who appeared to be in possession of alcoholic beverages and asked to see proof of legal age to possess alcoholic beverages.
3. Underage #1, actual date of birth 2/15/2002 (age 20), was in possession of a vodka and soda mixed drink. She presented to Investigators a true Massachusetts driver's license in another person's name.
4. Underage #2, actual date of birth 6/19/2002 (age 20) was in possession of a vodka and Red Bull mixed drink. She stated to Investigators that she used a fraudulent Massachusetts driver's license in her own name with a different birth date to enter the establishment, and that she lost this fraudulent license while on the premises.
5. Underage #3, actual date of birth 7/10/2002 (age 20), was in possession of a vodka and Red Bull mixed drink. She presented to Investigators her sister's true Massachusetts driver's license.
6. Investigators Kujawski and Quinn identified themselves to a male individual who appeared to be in possession of an alcoholic beverage and asked to see proof of legal age to possess alcoholic beverages.
7. Underage #4, actual date of birth 3/29/2004 (age 18), was in possession of a whiskey and ginger ale mixed drink. He informed Investigators he used his true driver's license to enter the establishment.
8. Later Investigators Kujawski and Quinn observed a bartender deliver four alcoholic beverages, two Bud Light beers and two alcoholic mixed drinks, at one time to an unidentified male individual.
9. Investigators spoke with the manager on duty, informed him of the violations and that a report would be filed with the Chief Investigator for review.
10. Ben Dacey, Manager of Record, appeared at the Commission hearing. The Commission was informed the Licensee has taken significant steps to prevent similar violations in the future. In addition to using their identification scanner, employees are now equipped with black lights, any person presenting an out of state identification is required to produce 2 separate forms of identification, and all patrons under 30 years of age are required to produce a 2nd form of identification. Additional security staff has been hired and all employees who work the door participated in an online course regarding spotting fraudulent identifications. Lastly bartenders and servers are encouraged to double-check identification if there is any doubt as to a patron's age.

11. The Licensee has held a license under M.G.L. c. 138, § 12 since 2015.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

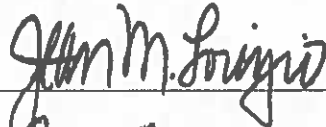
- 1) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch.138 § 34C – Possession of an alcoholic beverage by a person under 21 years of age (4 Counts);
- 2) 204 CMR 4.03 (1) No licensee or employee, or agent of a licensee shall: (b) Deliver two or more drinks to one (1) person at a time.

On the first violation, 204 CMR 2.05 (2), Ch. 138, § 34C (4 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 are found by this Commission.**

On the second violation, 204 CMR 4.03 (1) (b), the Commission issues a WARNING.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman _____



Crystal Matthews, Commissioner _____



Deborah A. Baglio, Commissioner _____



Dated: March 10, 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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2022-000207-ad-enf

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