



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

98 BROOKLINE AVE, INC. DBA COPPERFIELD'S
096-98 BROOKLINE AVE
BOSTON, MA 02167
LICENSE#: 011600153
HEARD 12/6/2011

98 Brookline Ave, Inc. dba Copperfield's (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 6, 2011, regarding an alleged violation of M.G.L. c. 138 §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Caroline Guarino's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
 2. Investigative Report of Caroline Guarino dated September 13, 2011; and
 3. Amended Notice of Hearing dated December 6, 2011.
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- A. Advanced ID Detection LLC Invoice dated September 14, 2011; and
 - B. Printouts of IDs Seized.

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

FACTS

1. On September 8, 2011, at approximately 10:55 p.m., Chief Investigator Mahony and Investigators Binienda, Carey, Guarino, Kenny and Teehan investigated the business operation of 98 Brookline Ave, Inc. dba Copperfield's.
2. Investigators observed several youthful looking patrons in possession of alcoholic beverages.
3. Investigators Teehan and Guarino approached a youthful looking female patron in possession of a cranberry juice and vodka.
4. Investigators identified themselves and asked to see proof of age.
5. Miss Alvarez admitted she was underage and that she did not have any identification on her.
6. The under aged Miss Alvarez stated she did not have a fake identification on her.
7. Miss Alvarez stated she was not asked for proof of age by the bartender before she purchased the alcoholic beverage.

8. Investigators later verified Miss Alvarez's identity and date of birth with the Boston College Police Department.
9. Investigators Teehan and Kenny approached two (2) other youthful looking female patrons in possession of alcoholic beverages.
10. Investigators asked each of these female patrons to see proof of age.
11. Miss Zaloom produced a counterfeit California driver's license stating she was twenty-three (23) years old.
12. Investigators observed Miss Zaloom was in possession of a counterfeit identification.
13. Miss Zaloom produced an authentic California driver's license stating she was nineteen (19) years old.
14. Miss Zaloom was in possession of a vodka tonic.
15. Miss Reveley produced a counterfeit California driver's license stating she was twenty-five (25) years old.
16. Investigators observed Miss Reveley was in possession of a counterfeit identification.
17. The under aged, Miss Reveley, produced an authentic Florida driver's license stating she was nineteen (19) years old.
18. Miss Reveley was in possession of a vodka and water.
19. Investigator Binienda approached other youthful looking patrons, one (1) male and two (2) females, in possession of alcoholic beverages.
20. Investigator Binienda asked to see proof of age from each of them.
21. Mr. Parisi produced a counterfeit California driver's license stating he was twenty-two (22) years old.
22. The under aged, Mr. Parisi, produced an authentic New York driver's license stating he was nineteen (19) years old.
23. Mr. Parisi was in possession of a bottle of Heineken beer.
24. Miss Nelsen produced a counterfeit Idaho driver's license stating she was twenty-two (22) years old.
25. The under aged, Miss Nelsen, produced an authentic New York driver's license stating she was nineteen (19) years old.
26. Miss Nelsen was in possession of a rum and cola.
27. Miss Georgio produced a counterfeit Michigan driver's license stating she was twenty-one (21) years old.
28. The under aged, Miss Georgio, produced an authentic Nebraska driver's license stating she was nineteen (19) years old.
29. Miss Georgio was in possession of a vodka tonic.
30. Chief Investigator Mahony approached a youthful looking female patron in possession of alcoholic beverage.
31. Chief Investigator Mahony asked to see proof of age.
32. Miss Westfield stated she did not have any identification on her.
33. Miss Westfield stated she was nineteen (19) years old.
34. The under aged, Miss Westfield, stated she used an authentic but expired Texas driver's license (not her own) to gain access to the premises.
35. Miss Westfield stated the doorman confiscated her expired ID but still allowed her access to the premises.
36. Miss Westfield stated she was not asked for ID by the bartender prior to service of alcoholic beverage.
37. Miss Westfield was in possession of a cup of Miller beer on tap.
38. Investigator Carey approached a youthful looking male patron in possession of alcoholic beverage.
39. Investigator Carey asked to see proof of age.
40. Mr. Trombetta threw the draft beer, in his possession, on the ground.

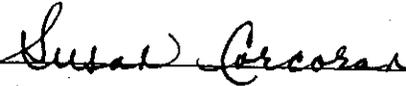
41. Mr. Trombetta stated he was nineteen (19) years old.
42. Mr. Trombetta stated he was not asked for ID by any staff member prior to service of alcoholic beverage.
43. Mr. Trombetta stated he was assisting the promoter with the event by accepting tickets and payments at the door of the premises.
44. Investigator Carey subsequently found a counterfeit Pennsylvania driver's license with the name of Mr. Trombetta on the floor.
45. Investigator Guarino interviewed an under aged male, Mr. Lupica, at the Boston College Police Station.
46. Mr. Lupica stated he was nineteen (19) years old.
47. Mr. Lupica stated he found his brother's wallet and kept the driver's license.
48. Mr. Lupica stated he used the authentic Connecticut driver's license of his older brother in an attempt to gain access to 98 Brookline Ave, Inc. dba Copperfield's.
49. Mr. Lupica stated the doorman confiscated the license.
50. In addition, Investigator Guarino also confiscated four (4) counterfeit, out of state driver's licenses from four (4) other under aged Boston College students.
51. Investigator Guarino stated none of these four (4) under aged individuals were in possession of an alcoholic beverage, therefore, the licensee was not charged.
52. Investigators notified Mr. Kelly, the manager on duty, of the violations.
53. Investigators informed the manager on duty a violation report would be filed with the Chief Investigator for review.
54. Administrative review of the licensee's files indicates a prior violation in 2004.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138 §34. Therefore, the Commission **suspends the license for fifty-nine (59) days of which fifteen (15) days will be served and forty-nine (49) 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

Susan Corcoran, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: January 3, 2012

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.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino, Investigator
Joseph Hanley, Esq. via facsimile
✓ Administration
File