

Re: 1316 Commonwealth Avenue, Inc.
dba: Joshua Tree
Premises: 1314A Commonwealth Avenue
City/Town: Boston, MA 02134
Heard: April 20, 2010

DECISION

1316 Commonwealth Avenue, Inc., dba Joshua Tree (“Joshua Tree’s” or “the licensee”), holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission (“the Commission”) held a hearing on April 20, 2010 regarding an alleged violation of Massachusetts General Laws c. 138, §34C. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jan Kujawski’s Report.

The following documents are in evidence:

1. Licensee’s Stipulation of Facts;
2. Investigator Jan Kujawski’s Report;
3. Photocopy of ID’s; and
- A. IDVisor Mobile Quick Start Guide.

There is one (1) tape of this hearing.

Facts

1. On Friday, February 12, 2010 at approximately 11:10 p.m., Commission Investigators conducted an investigation of the Joshua Tree in an effort to prevent underage drinking and determine the manner in which the business was being conducted.
2. At approximately 11:15 p.m., Investigators observed four (4) youthful patrons in possession of alcoholic beverages.
3. The investigators immediately identified themselves and asked the individuals for identification.
4. The first two (2) individuals were nineteen (19) years old. They told the investigators they were asked for identification when they entered the premises. One provided a fake university identification card, and the other a fake Florida Driver’s license.

5. The second two (2) individuals were twenty (20) years old. They also told the investigators they were asked for identification when they entered the premises. One individual produced a Vermont Driver's License and the second, a fake Michigan Driver's License.

Conclusion

The Commission finds that the licensee violated Massachusetts General Laws c. 138, §34C. As such, the Commission **suspends the license for fourteen (14) days of which eleven (11) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations occur.**

However, in 2009 the Commission found that the licensee violated Massachusetts General Laws c. 94, §186, c. 138, §16 and, 204 C.M.R. 2.00. These violations resulted in the license suspension for fifteen (15) days of which seven (7) of those days would be held in abeyance for a period of two (2) years provided no further violations occurred. The current violation occurred within the probationary period, therefore, the suspended seven (7) days must be served. **As a result, the total suspension to be served is ten (10) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 27th day of April 2010.

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 days of receipt of this decision.

cc: Boston Licensing Board
Frederick G. Mahony, Chief Investigator
Stephen V. Miller, Esq.
File