

Re: Logan Service Company, Inc.  
d.b.a.: The Loft Restaurant & Lounge  
Premise: 337 Essex Street  
City/Town: Lawrence, MA 01843  
Heard: January 6, 2009

### DECISION

A Commission hearing was held to determine whether Logan Service Company, Inc. (licensee) was in violation of *204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 §34C- Possession of an alcoholic beverage to a person under twenty-one years of age (2 Counts)* and, *M.G.L. Ch. 140 §183D- Failure to issue printed receipt and post cover charge sign.*

The licensee stipulated to the facts of the Investigator's report. An A.B.C.C. Investigator testified that:

At approximately 12:00 a.m. Investigators Hitchman and Wilichoski with Sgt. Jay Cepullo of the Lawrence Police Department conducted an investigation into the business operation of the above licensee. Their attention was drawn to three youthful looking women sitting at a table across from the bar. Two of the women were observed by Investigator Hitchman to be drinking from plastic cups containing an alcoholic beverage. The two females observed in possession were drinking from plastic cups containing either Heineken or Corona. Though training and experience the Investigator detected the cups containing the alcoholic beverages smelled like beer. The bartender on duty acknowledged that there was beer in the plastic cups. Both females admitted that they were not checked for proof of age to enter the establishment.

Furthermore, both Investigators observed the cashier at the front door to collect a \$5.00 cover charge on several occasions and failed to issue a printed receipt. No cover charge sign was viewed at the front door either.

The manager of the licensed premise was advised of the above violations and that a report would be submitted to the Chief Investigator for review.

The Commission finds the licensee in violation of *204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 §34C- Possession of an alcoholic beverage to a person under twenty-one years of age (2 Counts)* and, therefore, **suspends the licensee's license for 8 days**. The Commission further finds the licensee in violation of *M.G.L. Ch. 140 §183D- Failure to issue printed receipt and post cover charge sign* and, therefore, **issues a warning**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Eddie J. Jenkins, Chairman \_\_\_\_\_

Susan Corcoran, Commissioner \_\_\_\_\_

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 7<sup>th</sup> day of January 2009.

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: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Robert F. Kelley, Esq.  
File