

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

JAY EL ENTERPRISES, LLC DBA ROCKAFELLAS
227-231 ESSEX ST.
SALEM, MA 01970
LICENSE#: 106400017
VIOLATION DATE: 10/25/2012
HEARD: 1/08/2013

Jay El Enterprises, LLC dba Rockafellas (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 8, 2013, regarding an alleged violation of:

- 1) 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (2 Counts); and
- 2) 527 CMR 10.00 (2) (D) Failed to have Fire and Building Safety Checklist.

The above captioned occurred on October 25, 2012, according to Investigator Guarino - Wilichoski's Report.

The following documents are in evidence:

1. Investigator Guarino-Wilichoski's Investigative Report dated November 5, 2012;
2. RMV Printout for Massachusetts Driver's License of J. Kelly;
3. RMV Printout for Massachusetts Driver's License of K. Manley; and
4. Copy of Out-of-State Driver's Licenses for K. Manley and J. Kelly.

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

FACTS

1. On Thursday, October 25, 2012, at approximately 9:45 p.m., Investigators Capurso and Guarino-Wilichoski investigated the business operation of Jay El Enterprises, LLC dba Rockafellas to determine the manner in which their business was being conducted.
2. Investigators observed a group of youthful looking female patrons in possession of an alcoholic beverage.
3. Investigators asked to see proof of age. Two (2) patrons provided fake out-of-state driver's licenses.
4. One female, later identified as Janaye Kelly, date of birth [REDACTED] age twenty (20) years, handed investigators a fake Maine Driver's License with date of birth [REDACTED] age twenty-two years.
5. Investigators observed Ms. Kelly in possession of a bottle of Budweiser Light beer.

6. Ms. Kelly stated that she was not asked for identification when she was served the beer.
7. The other female, later identified as Kimberly Manley, date of birth [REDACTED] age twenty (20) years, handed investigators a fake Connecticut Driver's License with date of birth [REDACTED] age twenty-two (22) years.
8. Investigators observed Ms. Manley drinking from a bottle of Budweiser Light beer.
9. Ms. Manley stated that she was not asked for identification when she was served the beer.
10. In the course of their inspection, investigators observed that no fire safety checklist form had been filled out for the evening, and it appeared that a fire safety checklist form had not been completed for a few weeks.
11. Investigators informed the manager on duty, David McKillop, of the violations and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

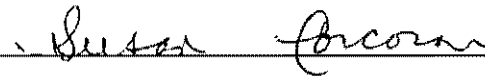
Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (2 Counts); and
- 2) 527 CMR 10.00 (2) (D) Failed to have Fire and Building Safety Checklist.

Therefore, the Commission **suspends the license for six (6) days of which six (6) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

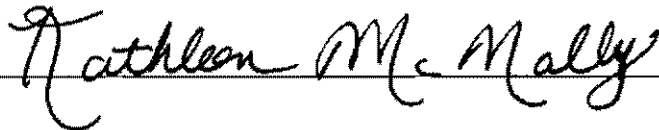
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



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

Kathleen P. McNally, Commissioner



DATE: January 9, 2013

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-Wilichoski, Investigator
Administration
File