



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

ALLSTRUM INC. D/B/A ATLANTIC HOUSE
4-6 MASONIC PLACE
PROVINCETOWN, MA 02657
LICENSE#: 100400057 / 00057-RT-1004
VIOLATION DATE: 05/27/2016
HEARD: 12/07/2016

Allstrum Inc. d/b/a Atlantic House (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 Wednesday, December 7, 2016, regarding an alleged violation of 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 272 § 98 – Discrimination in admission to, or treatment in, a place of public accommodation. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Binienda's report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report dated May 27, 2016; and
2. Licensee's Stipulation of Facts.

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

The Commission took Administrative Notice of the Licensee's record.

FINDINGS OF FACT

1. On Friday, May 27, 2016, at approximately 10:14 p.m., Investigators Velez, Lordan, and Binienda ("Investigators") investigated the business operation of Allstrum Inc. d/b/a Atlantic House to determine the manner in which their business was being conducted.
2. Investigators entered the establishment in an undercover capacity and attempted to go upstairs. Asen Ivnov, the doorman on duty, allowed male Investigators Velez and Binienda to enter but would not permit female Investigator Lordan to enter upstairs.
3. Investigator Binienda asked Mr. Ivnov why Investigator Lordan could not go upstairs. Mr. Ivnov responded with the reason that she is female. At this point Investigators identified themselves and asked to speak to the manager.

4. Mr. Ivnov identified Lawrence Yahn as the manager on duty. Mr. Yahn then escorted the Investigators upstairs.
5. Mr. Ivnov was working his first night of employment at the premises on the Friday of Memorial Day weekend. Mr. Ivnov is from Bulgaria and was working in Provincetown pursuant to a temporary work visa.
6. Mr. Ivnov misunderstood directions from the manager concerning bachelorette parties in the second floor bar area, as English is not Mr. Ivnov's first language.
7. Mr. Ivnov's employment was terminated that evening.
8. Investigators informed Mr. Yahn of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

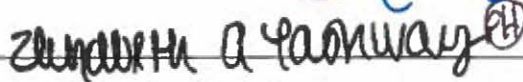
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05(2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 272 § 98 – Discrimination in admission to, or treatment in, a place of public accommodation. The Commission advises the Licensee that access or admission into a licensed premises cannot be allowed or denied based on the gender of a patron. As the Licensee has been operated by the same family for more than 60 years, with no violations in more than ten years, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: January 20, 2016

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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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda, Investigator
Nicholas Velez, Investigator
Lisa Lordan, Investigator
Christopher J. Snow, Esq. via facsimile 508-427-2694
Administration, File