



Jean M. Lorizio, Esq.
Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

DECISION

**ADOLFO'S RESTAURANT, INC. D/B/A ADOLFO'S RESTAURANT
254 WORTHINGTON ST
SPRINGFIELD, MA 01103
LICENSE#: 1226-00357
HEARD: 4/03/2018**

Adolfo's Restaurant, Inc. d/b/a Adolfo's Restaurant (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, April 3, 2018, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (7 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report; 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 Thursday, October 5, 2017, at approximately 11:40 p.m., Investigators Keefe, Kujawski, Velez, and Di Cicco ("Investigators"), conducted an investigation of the business operation of Adolfo's Restaurant, Inc. d/b/a Adolfo's Restaurant to determine the manner in which its business was being conducted.
2. Upon entering the licensed premises, Investigators observed youthful appearing individuals in possession of alcoholic beverages. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 10/26/1998 (age 19) was in possession of a can of Bud Light beer. He presented to Investigators a fraudulent Connecticut driver's license.

4. Underage #2, actual date of birth 5/05/1998 (age 19) was in possession of a can of Bud Light beer. He presented to Investigators a fraudulent Connecticut driver's license.
5. Underage #3, actual date of birth 10/22/1996 (age 20) was in possession of a mixed drink, vodka and Red Bull energy drink. She stated to Investigators that she was not asked for identification when she gained entry to the premises and obtained an alcoholic beverage.
6. Underage #4, actual date of birth 4/25/1998 (age 19) was in possession of a mixed drink, vodka and lemonade. She stated to Investigators that she was not asked for identification, and that she had friends who worked at the licensed premises.
7. Underage #5, actual date of birth 3/11/1999 (age 18) was in possession of a can of Bud Light beer. He presented to Investigators a fraudulent Connecticut driver's license.
8. Underage #6, actual date of birth 7/21/1999 (age 18) was in possession of a can of Bud Light beer. He presented to Investigators a fraudulent Connecticut driver's license.
9. Underage #7, actual date of birth 9/15/1998 (age 19) was in possession of a vodka drink. She presented to Investigators a fraudulent Connecticut driver's license.
10. Investigators identified all the underage individuals to staff members. Staff members informed Investigators that they would ensure safe transport home for all the minors in possession of alcoholic beverages.
11. Investigators also contacted the owner, Victor Bruno, and informed him of the violations and that a report would be filed with the Chief Investigator for review.

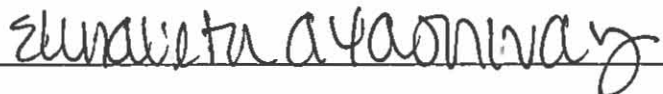
CONCLUSION

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. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (7 counts). Therefore, the Commission **suspends the license for a period of twenty-nine (29) days of which ten (10) days will be served, and nineteen (19) 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

Jean M. Lorizio, Chairman 

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

Elizabeth A. Lashway, Commissioner 

Dated: April 30, 2018

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
Joseph Di Cicco, Investigator
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Nicholas Velez, Investigator
Daniel Kelly, Esq.
Administration, File