

**Jean M. Lorizio, Esq.**  
*Chairman*

*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
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## **DECISION**

**90 HARDING STREET LLC D/B/A THE COMPASS TAVERN  
90 HARDING STREET  
WORCESTER, MA 01608  
LICENSE#: 1508-00589  
VIOLATION DATE: 3/16/2018  
HEARD: 5/15/2018**

90 Harding Street LLC d/b/a The Compass Tavern (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, May 15, 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 (1 count). 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;
2. Licensee's Stipulation of Facts; and
3. Photocopy of Fraudulent Driver's License.

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, March 16, 2018, at approximately 12:00 a.m., Investigators Kujawski, Kenny, Keefe and Di Cicco ("Investigators"), along with Officers from the Worcester Police Department, conducted an investigation of the business operation of 90 Harding Street LLC d/b/a The Compass Tavern to determine the manner in which its business was being conducted.

2. While inside the licensed premises, Investigators observed a youthful looking individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 4/04/1999 (age 18) was in possession of a vodka and soda. She presented to Investigators a fraudulent Connecticut driver's license. She stated that she has used this fraudulent license to gain entry to the premises and obtain a bracelet which indicated that she was 21 or older and allowed her to obtain an alcoholic beverage.
4. Investigators identified the underage to staff members. Investigators and Worcester Police Officers ensured safe transport home for the underage individual.
5. Investigators spoke to the owner, David Domenick, and informed him of the violation and that a report would be filed with the Chief Investigator for further action.

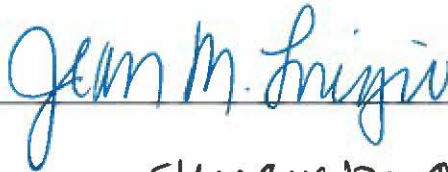
### CONCLUSION

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. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (1 count). Therefore, the Commission **suspends the license for a period of five (5) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

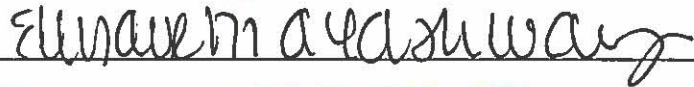
By decision dated 2/28/2018, the Commission previously ordered a 2-day suspension to be held in abeyance provided no further violations of Chapter 138 or Commission Regulations occurred. Based on the violation found above, the Licensee violated the conditions of that 2-day suspension being held in abeyance. The Commission hereby orders that suspension to be served. The Licensee will serve a total of two (2) days.

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: May 16, 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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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Joseph Di Cicco, Investigator  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Mark Kenny, Investigator  
Brian Burke, Esq. via facsimile 978-486-9362  
Administration, File