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Chairman

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

**LD HOLDINGS LLC D/B/A BAR 74 LOUNGE & GRILL
76 MERRIMACK ST.
LOWELL, MA 01852
LICENSE#: 03090-RS-0630
VIOLATION DATE: 2/02/2018
HEARD: 6/05/2018**

LD Holdings LLC d/b/a Bar 74 Lounge & Grill (the "Licensee" or "Bar 74") 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, June 5, 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 start of the hearing, the Licensee stipulated to the violation in Investigator Teehan's report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report;
2. Licensee's Stipulation of Facts;
3. Photocopies of Fraudulent Driver's License; and
4. RMV Printout for Underage.

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, February 2, 2018, at approximately 11:15 p.m., Investigators Keefe, Kujawski, Lordan, and Teehan ("Investigators") along with Lieutenant Matt Penrose and members of the Lowell Police Department, conducted an investigation of the business operation of LD Holdings LLC d/b/a Bar 74 Lounge & Grill to determine the manner in which its business was being conducted.

2. Investigators observed a youthful appearing 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 9/19/1998 (age 19) was in possession of a mixed drink, vodka and cranberry juice. She presented to Investigators a fraudulent Florida driver's license which she used to gain entry to the licensed premises.
4. Investigators informed David Heeley, the manager of record, 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). The Commission **suspends the license for a period of for four (4) days of which one (1) day will be served and three (3) 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

Elizabeth A. Lashway, Commissioner 

Kathleen McNally, Commissioner 

Dated: June 19, 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
Michael Teehan, Investigator
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Lisa (Lordan) Watson, Investigator
Travis Jacobs, Esq. via facsimile 888-613-1919
Administration, File