



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150-2358*

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

**DECISION**

**THE LAST SAFE INC. D/B/A THE SAFE  
160 MERRIMACK STREET  
LOWELL, MA 01852  
LICENSE#: 0630-00301  
VIOLATION DATE: 4/05/2019  
HEARD: 7/16/2019**

The Last Safe Inc. d/b/a The Safe (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, July 16, 2019, regarding an alleged violation of 204 CMR 2.05 (2)-Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (4 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;
  2. Licensee Stipulation of Facts;
  3. Photocopy of Fraudulent Driver's Licenses;
  4. Licensee's License Application.
- A. Photocopy of Fraudulent Massachusetts Driver's License.

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

**FINDINGS OF FACT**

1. On Friday, April 5, 2019, at approximately 12:05 a.m., Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of The Last Safe Inc. d/b/a The Safe to determine the manner in which its business was being conducted.

2. While on 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 5/03/2000 (age 18), was in possession of a bottle of Bud Light beer. He presented to Investigators a fraudulent Massachusetts driver's license in his own name with a different date of birth. When Investigators asked for his real identity, he presented his University of Maine student identification to Investigators
4. Underage #2, actual date of birth 1/24/1999 (age 20), was in possession of a bottle of Bud Light beer. He presented to Investigators a fraudulent Massachusetts driver's license in his own name. When Investigators asked for his real identity, he presented his genuine Massachusetts driver's license to them.
5. Underage #3, actual date of birth 3/26/1999 (age 20), was in possession of a bottle of Bud Light beer. She presented to Investigators a fraudulent Maine driver's license. When Investigators asked for her real identity, she informed them of her true date of birth.
6. Underage #4, actual date of birth 5/29/1999 (age 20), was in possession of a bottle of Bud Light beer. She presented to Investigators a fraudulent Connecticut driver's license. Underage #4 also presented a fraudulent Massachusetts driver's license to Investigators. When Investigators asked for her real identity, she informed them of her true date of birth.
7. Investigators made contact with the head bartender and manager on duty, Kyle Plocharczyk. Investigators identified the underage individuals to Mr. Plocharczyk and showed him the fraudulent identifications.
8. As Plocharczyk examined the fraudulent identifications, he stated to Investigators that these licenses did not have the raised hologram [Kinegram®] which appears on a genuine Massachusetts driver's license.
9. Investigators informed Plocharczyk of the above violations, and that a report would be filed with the Chief Investigator for review.
10. At the Commission hearing, the Licensee testified that he typically does not accept out-of-state identifications.
11. The Licensee has been licensed since 2013 with no prior violations.

#### 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. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (4 counts). Therefore, the Commission **suspends the license for a period of six (6) days of which one (1) day will be served and five (5) 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**

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: July 19, 2019

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  
Kyle E. Gill, Esq., Associate General Counsel  
Joseph Di Cicco, Investigator  
Dennis Keefe, Investigator  
Robert Allen, Esq.  
Administration, File