



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

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

**NOTICE OF SUSPENSION**

August 23, 2021

**SERVIA LLC D/B/A SERVIA  
126 STATE STREET  
BOSTON, MA 02109  
LICENSE#: 04734-RS-0116  
VIOLATION DATE: 4/09/2021  
HEARD: 6/09/2021**

After a hearing on June 9, 2021, the Commission finds Servia LLC d/b/a Servia violated:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 37 (June 6, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 40 (June 19, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;
- 3) 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 63 (Feb. 4, 2021);
- 5) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (7 counts).

On the first – fourth violations, 204 CMR 2.05 (2), to wit: Massachusetts Executive COVID-19 Orders No. 37, No. 40, No. 55 and No. 63, the **Commission SUSPENDS the license of Servia LLC d/b/a Servia for a period of seven (7) days to be served.**

On the fifth violation, 204 CMR 2.05(2), to wit: Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (7 Counts), the **Commission SUSPENDS the license of Servia LLC d/b/a Servia for a period of seven (7) days to be served. This suspension shall be served concurrently with the one above.**

**No Offer In Compromise will be considered for the seven (7) days to be served.**

**The suspension shall commence on Monday, October 18, 2021 and terminate on Sunday, October 24, 2021.** The license will be delivered to the Local Licensing Board or its designee on Monday, October 18, 2021 at 9:00 A.M. It will be returned to the Licensee on October 25, 2021.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

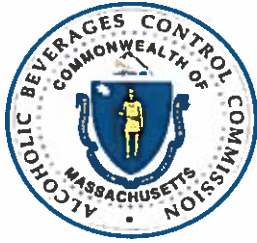
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**



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Chairman

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这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Kyle E. Gill, Esq., Associate General Counsel  
Dennis Keefe, Investigator  
Robert Gardner, Investigator  
Michael Flanagan, Dept. of Labor Standards  
Dennis Quilty, Esq.  
Administration, File



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Alcoholic Beverages Control Commission  
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**DECISION**

**SERVIA LLC D/B/A SERVIA  
126 STATE STREET  
BOSTON, MA 02109  
LICENSE#: 04734-RS-0116  
VIOLATION DATE: 4/09/2021  
HEARD: 6/09/2021**

Servia LLC d/b/a Servia (the "Licensee") holds an alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Wednesday, June 9, 2021, regarding alleged violations of:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 37 (June 6, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;
- 2) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 40 (June 19, 2020) - Violation of sector specific workplace safety standards for restaurants to address COVID-19;
- 3) 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: Mass. Exec. COVID- 19 Order No. 55 (Nov. 2, 2020) – Patron or employee failing to wear a mask or cloth face covering over their mouth and nose when in a public location;
- 4) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Mass. Exec. COVID-19 Order No. 63 (Feb. 4, 2021);
- 5) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (7 counts)<sup>1</sup>.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's report.

The above-captioned occurred on April 9, 2021 according to Investigator Keefe's report.

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<sup>1</sup> Due to a scrivener's error, the Investigative Report cited eight (8) counts of the M.G.L. Ch. 138, § 34C violation, the Hearing Notice correctly cited seven (7) counts.

The following documents are in evidence:

1. Investigator Keefe's Report;
2. Photocopy of Confiscated Fraudulent Driver's Licenses;
3. ABCC Approval License Transfer Cover Sheet, 3/7/2019;
4. Massachusetts Executive COVID-19 Order No. 37, 6/6/2020;
5. Massachusetts Executive COVID-19 Order No. 40, 6/19/2020;
6. Massachusetts Executive COVID-19 Order No. 55, 11/2/2020;
7. Massachusetts Executive COVID-19 Order No. 63, 2/4/2021 and Appendix, 3/18/2021;
8. Massachusetts Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19, 3/18/2021;
9. ABCC Enforcement Memorandum, 6/3/2021;
10. Licensee's Stipulation of Facts.

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

#### FINDINGS OF FACT

1. On Friday, April 9, 2021, at approximately 10:40 p.m., Investigators Gardner and Keefe ("Investigators") along with Chief Investigator Mahony, conducted an investigation of Servia LLC d/b/a Servia to determine the manner in which its business was being conducted, and to ensure compliance with Massachusetts Governor Charles Baker's Executive COVID-19 Orders.
2. Investigators observed the interior of the licensed premises which they could clearly see from the sidewalk through the front windows. Before entering the premises, Investigator Keefe observed approximately 21 youthful looking individuals inside. The individuals were standing near the bar area and within a foot of each other. Many of these patrons did not have facial coverings and some were in possession of what appeared to be alcoholic beverages.
3. Investigators attempted to enter the licensed premises but found the door locked as the establishment was closed for further entry. They knocked on the door for a few minutes, without any response. Investigators then placed their identifications against the window and flashed their flashlights to gain the attention of a staff member.
4. While waiting to be allowed entrance, Investigators observed the large group of youthful looking individuals begin to scatter, walking to the back of the establishment out of the Investigators' line of sight. Some of the individuals exited the establishment via a side door to a common hallway shared with the attached residential building.
5. The manager on duty, Derek Alten, opened the door for Investigators and identified himself to them. Investigators entered the establishment and immediately walked to the previously crowded bar area where they observed only 6 – 8 individuals seated at the bar. These 6-8 individuals appeared to be of legal drinking age.
6. Investigators then walked to the back of the establishment and entered the dining room where they observed individuals exiting, trying to exit the premises, and/or attempting to hide from Investigators.

7. Investigators then identified underage individuals who were inside the licensed premises.
8. Underage #1, actual date of birth 12/7/2001 (age 20), was in possession of a Moscow Mule mixed drink. She stated that she had been drinking and presented a fraudulent Connecticut driver's license to Investigators.
9. Underage #2, actual date of birth 10/8/2001 (age 20), was in possession of a Coors Light beer. He presented to Investigators a fraudulent Pennsylvania driver's license.
10. Underage #3, actual date of birth 2/27/2002 (age 19), was in possession of a Moscow Mule mixed drink. She presented to Investigators a fraudulent Connecticut driver's license.
11. Underage #4, actual date of birth 5/13/2002 (age 19), was in possession of a Moscow Mule mixed drink. She presented to Investigators a fraudulent Connecticut driver's license.
12. Underage #5, actual date of birth 1/10/2002 (age 19), was in possession of a White Claw Hard Seltzer. He presented to Investigators a fraudulent New Jersey driver's license.
13. Underage #6, actual date of birth 11/05/2001 (age 20), was in possession of a Moscow Mule mixed drink. He presented to Investigators a fraudulent New York driver's license.
14. Underage #7, actual date of birth 6/27/2002 (age 19), was in possession of a Moscow Mule mixed drink. He presented to Investigators a fraudulent New York driver's license.
15. Investigators identified three additional underage female individuals who each stated that they were not drinking and who were not in possession of an alcoholic beverage.
16. Investigators spoke with Mr. Alten who stated the establishment was hosting a Boston College event which had been organized by a Boston College student. Mr. Alten stated there were approximately 37 individuals on the invitation list, and then sent the list to Chief Investigator Mahony via text message.
17. Mr. Alten told Investigators he had scanned the identifications using an application on his mobile telephone. He believed all the individuals were of legal drinking age.
18. Chief Mahony then scanned two of the confiscated identifications. Both identifications scanned as fraudulent on Chief Mahoney's device.
19. Investigators asked Mr. Alten why the COVID-19 guidelines were not being followed. Mr. Alten seemed confused and stated that he was hosting a private party which is why people were standing without any facial coverings. Investigators informed Mr. Alten that even if it was a private party COVID guidelines must be still followed.
20. Investigators then asked if the individuals seated at the bar were part of the private party. Mr. Alten stated those individuals were regular customers. Investigators informed Mr. Alten that if regular customers were there, then it could not be considered a private party.
21. Mr. Alten stated that the establishment had re-opened approximately 6-months ago and it has been very challenging for them.

22. Investigators proceeded to the front door area where they reviewed receipts from the Boston College event. The receipts indicated different denominations and charges. Investigators observed approximately three pizzas on a table. Investigators did not observe any individuals at the event consuming any pizza.
23. Mr. Alten and only one other employee were on duty on the night of the Investigators' visit. Investigators observed neither wore any facial covering.
24. Investigators advised Mr. Alten of the violations and that a report would follow.
25. Mr. Alten attended the Commission hearing and testified the Licensee's policy is to request identification from anyone who looks under 35 years old, inspecting each identification in-hand with a scanner and flashlight. He testified he personally requested and checked the identification of each patron that night. As a rule, Mr. Alten stated that in addition to inspecting each identification he also asks questions of patrons as to the information on their identification. Mr. Alten acknowledged it was an error to allow a party to begin at 10 pm and to serve pizzas on large tables rather than instructing individuals to be seated and providing table service.
26. The Licensee has held a license under M.G.L. c. 138, § 12 since 2019, with no prior violations.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Order No. 37 (June 6, 2020) - Violation of Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19;
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On the first – fourth violations, 204 CMR 2.05 (2), to wit: Massachusetts Executive COVID-19 Orders No. 37, No. 40, No. 55 and No. 63, **the Commission SUSPENDS the license of Servia LLC d/b/a Servia for a period of seven (7) days to be served.**

On the fifth violation, 204 CMR 2.05(2), to wit: Ch. 138, § 34C (7 Counts), **the Commission SUSPENDS the license for a period of seven (7) days to be served. This suspension shall be served concurrently with the one above.**

**No Offer In Compromise will be considered for the seven (7) days to be served.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner Cystal Matthews

Jean M. Lorizio, Chairman Jean M. Lorizio

Deborah A. Baglio, Commissioner Deborah A. Baglio

Dated: August 23, 2021

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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