

CITY OF WOBURN
LICENSE COMMISSION

Liquor License Violation Policy

Scope: Pursuant to the provisions of Massachusetts General Laws Chapter 138, § 1 *et seq.*, the Woburn License Commission (hereinafter “the Commission”) shall have the authority to suspend or revoke the alcohol license of a duly authorized licensee (hereinafter “licensee”) after a full and fair opportunity for a hearing. Hearings shall be conducted in accordance with the procedures set forth in Massachusetts General Laws Chapter 30A, §§ 10 & 11.

In addition to any criminal penalties sought by local law enforcement against the licensee, the Board, in the exercise of its discretion, may issue the following administrative sanctions:

First Offense:

- Minimum Sanction—written warning with a clear indication that any further violations will be penalized in accordance with the guidelines provided for a second offense.
- Maximum Sanction—up to a six-day suspension of liquor license.
 - Where there are no aggravating circumstances, the Commission, in the exercise of its discretion, may offer first time violators the option to purchase and install Age Verification apparatus ("license swiping machine") in exchange for a penalty reduction. License-swiping machines have been demonstrated to reduce instances of the sale of liquor to minors. In the event the licensee agrees to this option, the licensee must install the license-swiping machine within thirty days of issuance of the sanction and submit monthly reports for three months following the purchase and installation of the apparatus.

Second Offense:

- Minimum Sanction—three day suspension of liquor license
- Maximum Sanction—six day suspension of liquor license

Third Offense:

- Minimum Sanction—six day suspension of liquor license
- Maximum Sanction—twelve day suspension of liquor license

Fourth or Subsequent Offenses:

- Minimum Sanction—fourteen day suspension of liquor license
- Maximum Sanction—revocation of liquor license

Mitigating and/or Aggravating Factors

In the exercise of its discretion, the Commission may also consider the following factors in the imposition of penalties against the licensee. This list is not intended to be exhaustive and the Commission may consider other aggravating or mitigating factors that may be present in any given situation.

1. Actions taken by the licensee to prevent future violations, including, but not limited to the purchase of age verification apparatus;
2. Past history in relation to compliance checks;
3. Deliberateness of the violation;
4. Uniqueness of the violation;
5. Management level of employees involved in the violation.
6. Licensee's failure to comply with server training requirements.

Additional Requirements/Considerations

Only offenses that have occurred within the last four years preceding the date of the violation shall be used in calculating the number of offenses for the purposes of these sentencing guidelines.

In the event of a suspension issued pursuant to these guidelines, Licensees must post notices on the front door of the establishment as well as on all cooler doors (where applicable) stating clearly that the establishment's license to sell alcohol has been suspended, the time period of the suspension, and the reasons for the suspension. Internal cooler doors must be locked during the suspension period.

Correspondence between Licensees, local law enforcement and/or the Commission, regarding liquor license violations shall be sent via certified and regular mail.

The preceding guidelines shall not be construed to restrict, in any manner, the powers of the Commission to otherwise modify, suspend or revoke any liquor license as a result of a licensee's failure to comply with the laws of the Commonwealth of Massachusetts.

Adopted: May 15, 2014