

# Town of Franklin

Town Administrator  
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street  
Franklin, Massachusetts 02038-1352

August 10, 2016

Ms. Hilda Gutierrez  
Acapulco's  
13-25 Main Street  
Franklin, MA 02038

Re: Failed Compliance Check – Hearing Notice

Dear Ms. Gutierrez:

This is a notice that the Town Council as the Local Licensing Authority for the Town of Franklin will hold a hearing pursuant to provision of M.G.L. Chapter 138 §64 to determine whether to modify, suspend, or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Wednesday, August 3, 2016 at approximately 7:10 PM at Acapulco's Restaurant located at 13-25 Main Street, Franklin, MA 02038.

The hearing is scheduled to take place on Wednesday, September 7, 2016 at 7:10 PM in the Council Chambers of the Municipal Building, Second Floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence of your behalf.

Please feel free to call me at 508-520-4949 if you have any questions.

Sincerely,

Maxine Kinhart  
Administrative Assistant

Cc: TJ Lynch, Police Chief  
Town Council Members





## FRANKLIN POLICE DEPARTMENT

Thomas J. Lynch, Chief of Police  
James A. Mill, Deputy Chief of Police  
911 Panther Way, Franklin, MA 02038  
Telephone: (508) 528-1212  
Fax: (508) 520-7950  
www.franklinpolice.com

### NOTICE OF VIOLATION

LICENSEE NAME: Acapulco's

ADDRESS: 15 Main St, Franklin, MA 02038

**THIS IS TO NOTIFY YOU THAT ON Wednesday August 3, 2016 AT APPROXIMATELY 7:10 P.M., YOUR LICENSED ESTABLISHMENT WAS INVESTIGATED BY OFFICERS OF THE FRANKLIN POLICE DEPARTMENT, DURING WHICH TIME IT IS ALLEGED THAT YOU VIOLATED:**

204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 34, SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE.

UNDER MGL, CHAPTER 30A, YOU HAVE THE RIGHT TO A HEARING ON THIS MATTER BEFORE THE LICENSING AUTHORITY REGARDING THIS VIOLATION.

YOU WILL BE NOTIFIED VIA CERTIFIED MAIL TO APPEAR FOR A HEARING BEFORE THE LICENSING AUTHORITY (FRANKLIN TOWN COUNCIL).

SERVICE IN HAND BY: Lt. M. Manocchio L4 DATE: 8/8/16  
OFFICER

RECEIVED BY: [Signature] DATE: 8/8/16  
LICENSEE REPRESENTATIVE  
ELIA QUIN

**Franklin Police Department**  
**911 Panther Way**  
**Franklin, MA 02038**  
**508 528 1212**  
**Incident Report**



**Incident Number: 2016000022742**  
**File No: N/A**  
**Dispatch Incident Number: 2016000022742**  
**Print Date: August 4, 2016**  
**Printed By: lt02**

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Wed	08/03/2016	7:21:25PM		Wed	08/03/2016	7:21:25PM	→	8/3/2016	7:21:25PM	
Reported As Liquor, Sale To Minor				Incident Type - Primary Liquor, Sale to Minor				Arresting Officer			
Incident Address 15 MAIN, FRANKLIN, MA 02038								Reporting Officer Sergeant Christopher Spillane (sc01)			
Sector EAS		Stat. Area East Statistical Area		Sub Stat. Area Dean College Clery		Census Tract		Landmark			
Business Name ACAPULCOS				Incident Types - Other					Action Taken REPORT		

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	
INDIVIDUAL	RUELAS, JESUS M	9/24/1967	M	(508) 384-0659	(508) 498-6296	(508) 520-0696	
Address: 80 ELLERY STREET, WRENTHAM, MA 02093							
INDIVIDUAL	ELIAQUIN, LUPEZ ILFARO	2/22/1987	U	N/A	N/A	N/A	
Address: 159 E CENTRAL, FRANKLIN, MA 02038							

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Sergeant	Christopher J Spillane	Reporting Officer	Uniform Patrol Division
Sergeant	Christopher J Spillane	Responding Officer	Uniform Patrol Division
Patrolman	James M Mucciarone	Responding Officer	Uniform Patrol Division
Patrolman	Steven S Hamilton Jr	Responding Officer	Uniform Patrol Division

Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
JF893 - RI (2017)	2000 Volkswagen Passat	3VWRC29M2YM178241	Black	N/A	N/A

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911 Panther Way  
Franklin, MA 02038  
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Print Date: August 4, 2016  
Printed By: lt02

Narratives for Incident Number 2016000022742 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrolman Steven Hamilton (hs02) Division: Uniform Patrol Division

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
08/03/2016 20:27		Patrolman Steven Hamilton (hs02)	Open		08/03/2016

On 08/03/2016 while conducting Alcohol Compliance checks of establishments that serve alcoholic beverages in the town of Franklin, Officer Mucciarone and I (Officer Hamilton), along with our under age decoy identified as Oward Rivas (02/21/1997) conducted a check of the restaurant identified as Acapulcos located at 15 Main Street Franklin, Ma.

Mr. Rivas entered the establishment at approximately at 1910hrs and exited at approximately 1916hrs. When Mr. Rivas returned to our cruiser he stated that the bartender served him one bud light bottle. Mr. Rivas stated that he paid the bartender with a \$20.00 bill and once he recieved his change he exited the restaurant. Mr. Rivas described the bartender as a hispanic male with black hair (spiked) wearing a blue shirt. Upon making entry Officer Mucciarone and I identified ourselves and spoke to the bartender identified as Eliaquin Ilfaro Lupez (DOB 02/22/1987). We advised him that the male he just served an alcoholic beverage to was a minor.

After advising Mr. Lupez, we spoke to the manager identified as Jesus Ruelas (DOB 09/24/1967). We advised him that he was in violation of the compliance check and he will be receiving paperwork from the town council in regards to the violation. Mr. Ruelas was handed his change and he returned the \$20.00 that was used to buy the alcoholic beverage.

Paperwork was completed.

*Officer Hamilton #43*

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

08/03/2016 21:37:42

O43(HAMILTON) S5(SPILLANE), AND R12(MUCCICIARONE) OUT AT LOCATION ON COMPLIANCE CHECKS O43  
R12 REPORT VIOLATION REPORT TO FOLLOW.

# BUYER REPORT

## Franklin Police Department

Date of Attempt: 8/3/16 Time in: 7:10pm Time out: 7:16pm Case No. 22742

Name of Business ACAPULCO'S

Address 13-25 MAIN ST

My name is Oswald Rivas JR

I am 19 years of age. My date of birth is: 02/21/1997

I was born in Attleboro, MA.  
(City) (State)

### PURCHASE

I purchased, Bud light, an alcoholic beverage and paid \$ 20.- to the seller described below. \$14 IN CHANGE

I was ( ) was not (☒) questioned as to my age.

I was ( ) was not (☒) asked for an ID.

### REFUSAL TO SELL

I attempted to purchase \_\_\_\_\_, an alcoholic beverage, but the seller:

( ) refused to sell to me.

( ) asked for an ID and when I gave my excuse for not having an ID refused to sell to me.

( ) asked my age and when I said my true age refused to sell to me.

### SELLER DESCRIPTION

The clerk/cashier/waitperson/bartender is: (Describe)

Male ☒ Female \_\_\_\_\_ Hair color BLK Shirt/Top color \_\_\_\_\_

Trousers/dress/bottom color \_\_\_\_\_ Height 5'9 Weight \_\_\_\_\_ Age \_\_\_\_\_

Other (ID/name badge, etc.) Spiked Hair

At the time of the purchase I did not possess nor did I display any form of written identification.

I have read the above statement and all facts are true and correct.

Print Name Oswald Rivas JR Signature [Signature] Date 8/3/16

Witnessing Officer:

Print Name Micciarone Signature [Signature] Date 8-3-16

# OFFICER REPORT

## Franklin Police Department

I, Officer Hamilton, after learning an employee of Acapulco's completed a purchase of an alcoholic beverage to an under 21 year old operative during a compliance check mobilization, did make contact and interviewed the below named employee who made the sale:

### Employee (clerk/cashier/waitperson/bartender) Information

Name Eliaguin F. Lopez Operator License # None

Address 159 East Central Street Franklin Ma 02038

Phone Number None

Date of Birth 2/22/67

Officer: [Signature] 43

Signature [Signature] Date 08/03/16

Manager notified

Jess M. Ruelas (513198115)

80 Ellery Street

Wrentham Ma 02093

9/24/67

508-384-0659