

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**NOT YOUR AVERAGE JOE'S, INC. DBA NOT YOUR AVERAGE JOE'S**  
**291 MAIN ST. SUITE 30**  
**ACTON, MA 01720**  
**LICENSE#: 000600036**  
**HEARING HELD: 1/10/2012**

Not Your Average Joe's, Inc. dba Not Your Average Joe's (the "Licensee") holds an all-alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, January 10, 2012, regarding an alleged violation of M.G.L. c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Brad Doyle's Compliance Check Field Report.

The following documents are exhibits in evidence:

Commission Exhibits

1. Exhibit 1: Licensee's Stipulation of Facts; and
2. Exhibit 2: Investigator Doyle's Compliance Check Field Report dated July 28, 2011.

Licensee Exhibits

- A. Exhibit A: Licensee's Packet – Collectively: Training; Policies; Info Emphasizing Safety; Carding Policies.

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

**FACTS**

1. On July 28, 2011, at approximately 1:28 p.m., Commission Investigators Doyle and Bailey conducted an investigation of the licensed premises operating as a restaurant, Not Your Average Joe's, Inc. dba Not Your Average Joe's.
2. An underage operative, working with the Investigators, purchased an alcoholic beverage, a bottle of Budweiser beer, for four dollars and twenty-four cents (\$4.24). The underage operative was not asked for identification.
3. The underage operative was eighteen (18) years of age, with a date of birth of October 14, 1992.
4. The licensee has held the license since 2005, and has no history of violations.

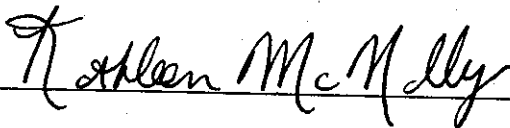


**CONCLUSION**

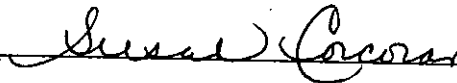
Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: January 23, 2012

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.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brad Doyle, Investigator  
William F. York, Esq. via facsimile  
Administration  
File

