



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

TMD INC. DBA OLDE TOWNE TAVERN
1-3 PRAY STREET
AMHERST, MA 01002
LICENSE#: 002400110
VIOLATION DATE: 02/21/2013
HEARD: 06/11/2013

TMD Inc. dba Olde Towne Tavern (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, June 11, 2013, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (2 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Report dated February 21, 2013;
2. Licensee's Stipulation of Facts;
3. RMV Printout for T. Vanvranken;
4. RMV Printout for M. Hoar;
5. RMV Printout for S. Annis;
6. Amherst Police Report no. 13-121-AR dated February 23, 2013 by Office J. Damon; and
7. Amherst Police Report no. 13-120-AR dated February 23, 2013 by Detective J. Reardon.

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

FACTS

1. On Thursday, February 21, 2013, Investigators Capurso, Keefe, and Kelleher, along with Amherst Police Detective Sergeant David Knightly, Jr., Detective Jamie Reardon, and Patrol Officer Jessica Damon, investigated the licensed premises of TMD Inc. dba Olde Towne Tavern to determine the manner in which their business was being conducted.
2. Investigators attention was drawn to a group of youthful looking individuals in possession of alcoholic beverages.
3. Investigators observed these individuals standing next to a pool table which was located to the right of the entrance.
4. Investigators approached the group, identified themselves, and asked to see proof of legal drinking age.

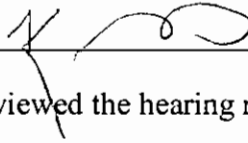
5. The first female was identified as Mary Hoar, actual date of birth [REDACTED] (age 20). Investigators observed Ms. Hoar in possession of a plastic cup of draft beer.
6. Ms. Hoar presented investigators with identification in the name of Morgan Gobbi, date of birth [REDACTED] (age 24).
7. Investigators observed that Ms. Hoar and Ms. Gobi have a similar likeness but that Ms. Hoar is 5 feet and Ms. Gobbi's identification listed her height at 5 feet 4 inches.
8. Ms. Hoar stated that she presented the Gobbi ID to the door man who then ran it through an ID scan machine.
9. Ms. Hoar informed investigators that she and her friends had purchased a pitcher of beer, which they then poured into plastic cups provided to them by the bartender.
10. Investigators observed that the identification provided by Ms. Hoar bore a similar likeness to her person, and it could be presumed that the employee exercised due care in relying on the Massachusetts license for proof of her identity and age.
11. The second youthful female was later identified as Tara Vanvranken, actual date of birth [REDACTED] (age 20). Investigators observed her in possession of a plastic cup of draft beer.
12. When asked for identification, Ms. Vanvranken stated that she "did not have any ID."
13. When asked how she entered the establishment, Ms. Vanvranken stated that "I snuck in behind my friends when they were in line getting their IDs checked by the bouncer."
14. While investigators spoke to Ms. Vanvranken, they observed that she dropped a Pennsylvania identification bearing her name and likeness.
15. Ms. Vanvranken stated, "That is my fake ID, but I didn't use it tonight."
16. Investigator Capurso presented Ms. Vanvranken to the bouncer, who conducted a search of the saved data in the ID scan machine. The bouncer found no result for Ms. Vanvranken's identification.
17. Ms. Vanvranken advised investigators that she purchased her identification on a website.
18. Amherst Police Officer Damon presented to investigators an individual, later identified as Sarah Annis, actual date of birth [REDACTED] (age 20).
19. Officer Damon showed investigators a plastic cup containing beer, and an identification in the name of Sarah Miller, which Ms. Annis had presented to her. Ms. Miller's identification had date of birth [REDACTED] (age 22).
20. Officer Damon and investigators observed that Ms. Annis has fair-skin and blonde hair while Ms. Miller has medium-tone skin and brown hair.
21. Officer Damon spoke to Ms. Annis who stated that a friend has purchased her alcoholic beverage. Ms. Annis also stated that she had obtained the ID from a friend.
22. Investigators identified the underage females to the manager on duty, Michael Sheeran.
23. Investigators informed Mr. Sheeran that a report would be submitted to the Chief Investigator for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (2 Counts). Therefore, the Commission **suspends the license for four (4) days of which four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

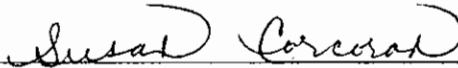
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner _____



DATE: June 11, 2013

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
Tara Kelleher, Investigator
Paul Capurso, Investigator
Mike McLaughlin, mikemc13@msn.com
Administration
File