



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

Steven Grossman
Treasurer and Receiver General

DECISION

Kim S. Gainsboro, Esq.
Chairman

STACKER'S PUB, INC. DBA STACKER'S
57 NO. PLEASANT ST
AMHERST, MA 01002
LICENSE#: 002400021
HEARD: 5/24/2011

Stacker's Pub, Inc. dba Stacker's (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 24, 2011, regarding an alleged violation of M.G.L. c.138, §34C (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Michael Teehan's Report; and
3. Photocopy of MA Drivers License.

There is one (1) tape of this hearing.

FACTS

1. On Thursday, April 7 2011, Investigators Capurso and Teehan investigated the business operation of Stacker's Pub Inc. dba Stacker's.
2. While on the licensed premises, Investigators observed a female patron in possession of an alcoholic beverage.
3. The female patron was observed in possession of a Bud Light draft.
4. The female patron stated to Investigators that she used a Massachusetts driver's license stating she was age twenty-three (23) to enter the licensed premises.
5. The investigators attention was drawn to the picture on the license, which did not resemble the female patron.
6. Investigators presented the license to the doorman on duty and informed him of the above violation and that a report would be filed for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §34C (1 count). Therefore, the Commission **suspends the licensee's license for a period of 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

Kim S. Gainsboro, Chairman

Robert H. Cronin, Commissioner

Dated: July 15, 2011

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
Michael Teehan, Investigator
File