

*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**

**SEASIDE PUB ON MAIN LLC DBA SEASIDE PUB ON MAIN**  
**615 MAIN ST. UNITS 13 AND 14**  
**BARNSTABLE, MA 02601**  
**LICENSE#: 007000278**  
**HEARD: 10/16/2012**

Seaside Pub on Main LLC dba Seaside Pub On Main (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, October 16, 2012, 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 (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Teehan's Investigative Report.

The following documents are in evidence:

1. Investigator Teehan's Investigative Report dated July 26, 2012
2. Photocopy of Massachusetts's Driver's License for C. L. Farrell; and
3. Licensee's Stipulation of Facts.

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

FACTS

1. On Thursday, July 26, 2012, at approximately 11:50 p.m., Chief Investigator Mahony along with Investigators Kenny, Velez, and Teehan conducted an investigation of the business operation of Seaside Pub on Main LLC dba Seaside Pub on Main to determine how their business was being conducted.
2. Investigators observed a youthful looking female subject in possession of an alcoholic beverage. The female subject was later identified as Ms. Kayla Farrell, date of birth August 2, 1992, age nineteen (19) years.
3. Investigators observed Ms. Farrell in possession of a mixed drink (pineapple juice and Malibu Rum.)
4. Ms. Farrell stated that she used her sister's Massachusetts Driver's License to enter the licensed premises.
5. The Massachusetts Driver's License was in the name of Ms. Chelsea Lynne Farrell, date of birth October 18, 1986, age twenty-five (25) years.

6. Investigators showed the license to Ms. Bernadette Cafferty, part-owner on duty, and informed her that a violation report would be filed for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 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 (1 Count). Therefore, 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.**

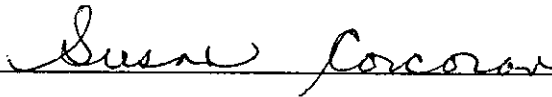
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



Dated: October 17, 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  
Michael Teehan, Investigator  
Administration  
File