



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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

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

**DECISION**

**BEVERLY RESTAURANT GROUP LLC D/B/A FIBBER MCGEE'S**  
**104 CABOT ST.**  
**BEVERLY, MA 01915**  
**LICENSE#: 010000003**  
**VIOLATION DATE: 08/17/2016**  
**HEARING DATE: 12/20/2016**

Beverly Restaurant Group LLC d/b/a Fibber Mcgee's (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, December 20, 2016, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Compliance Check Field Report dated August 17, 2016;
2. Licensee's Stipulation of Facts;
3. Receipt; and
4. 2016 ABCC Compliance Check Guidelines.

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

The Commission took Administrative Notice of the Licensee's record.

**FACTS**

1. On Wednesday, August 17, 2016, at approximately 5:37 p.m., Investigators Bailey and Doyle ("Investigators") investigated the business operation of Beverly Restaurant Group LLC d/b/a Fibber Mcgee's.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a bottle of Budweiser Light beer for three dollars and seventy-five cents (\$3.75). The underage operative was not asked for identification.

## CONCLUSION

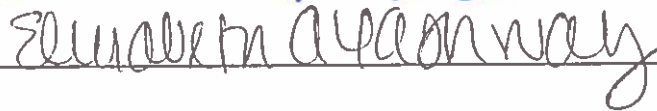
Based on the evidence the Commission finds the Licensee violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for more than 10 years with no prior violations, the Commission issues a **WARNING**.

## **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: December 20, 2016

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.

This document is important and should be translated immediately.  
Este documento es importante y debe ser traducido inmediatamente.  
Este documento é importante e deve ser traduzido imediatamente.  
Ce document est important et devrait être traduit immédiatement.  
Questo documento è importante e dovrebbe essere tradotto immediatamente.  
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.  
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Brad Doyle, Investigator  
Rose Bailey, Investigator  
Chad A. Colarusso, Esq. via facsimile 978-336-0321  
Administration, File