



*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**

**BOSTON CULINARY GROUP, INC. DBA CENTERPLATE**  
**290 NORTHERN AVENUE**  
**BOSTON, MA 02215**  
**LICENSE#: 011600475**  
**HEARD: 10/02/2012**

Boston Culinary Group, Inc. dba Centerplate (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 2, 2012, regarding an alleged violation of 204 CMR 2.05 (2), 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 Capurso's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Capurso's Violation Report dated June 15, 2012.
  - A. Map of Bank of America Pavillion Site Plan.

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

**FACTS**

1. On Friday, June 15, 2012, at approximately 8:45 p.m., Investigators Teehan, Kenny, Kujawski, Temple and Capurso conducted an investigation of Boston Culinary Group, Inc. dba Centerplate, Bank of America Pavillion, to determine the manner in which their business was being conducted.
2. Investigators observed a youthful looking male individual, later identified as Mr. Thomas Long, in possession of an alcoholic beverage, a twenty-four ounce (24 oz.) can of Bud Light Lime beer.
3. Investigators observed Mr. Long hand the beer to a youthful looking female, later identified as Ms. Michelle Kalil, who was observed drinking the alcoholic beverage.
4. Investigators approached these patrons, identified themselves, and asked to see proof of age.
5. Both individuals stated they were twenty-one (21) and that neither had any identification on them.
6. Investigators asked how they purchased the alcoholic beverages without having identification.
7. Ms. Kalil stated she wanted to cooperate, and admitted that she was only twenty (20) years of age.
8. While investigators spoke with Ms. Kalil, the Mr. Long ran out of the licensed premises.
9. Investigators asked Ms. Kalil to call Mr. Long on his cell phone.

10. Investigators then spoke with Mr. Long and advised him to return to the licensed premises.
11. Investigators Temple and Keefe walked with Ms. Kalil to the front entrance of the licensed premises, where Investigators Kujawski, Teehan, and Kenny were speaking to Mr. Long.
12. Investigators again asked for proof of age and Mr. Long stated that he was nineteen (19) years of age.
13. Mr. Long provided investigators with his New Hampshire Driver's License, date of birth August 7, 1992, age nineteen (19) years.
14. Ms. Kalil provided investigators with her New Hampshire Driver's License, date of birth March 11, 1992, age twenty (20) years.
15. Both Ms. Kalil and Mr. Long stated that they asked an unidentified patron to buy them the alcoholic beverage, and that they had paid this unidentified patron an extra twenty (20) dollars to buy the alcoholic beverage for them.
16. Investigators advised representatives of the licensee, Mr. Ed Holston and Mr. Jim Jensen, of the violation and 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), 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 seven (7) days of which seven (7) 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

Susan Corcoran, Commissioner



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

Kathleen McNally



DATE: October 3, 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  
Paul Capurso, Investigator  
Administration  
File