

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

December 12, 2012

BOSTON CULINARY GROUP, INC. DBA CENTERPLATE
290 NORTHERN AVENUE
BOSTON, MA 02215
LICENSE#: 011600475
VIOLATION DATE: 08/03/2012
HEARD: 12/11/2012

After a hearing on December 11, 2012, the Commission finds Boston Culinary Group, Inc. dba Centerplate in violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (4 Counts).

The Commission suspends the licensee's license for a total of twelve (12) days to be served. The suspension shall commence on Wednesday, January 30, 2013, and terminate on Sunday, February 10, 2013. The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 30, 2013 at 9:00 A.M. It will be returned to the licensee Monday, February 11, 2013.

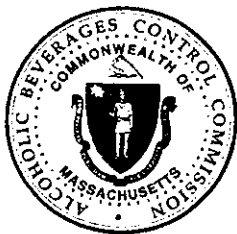
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Paul Capurso, Investigator
Lisa Miller, Esq. via Facsimile 732-727-5028
Administration
File



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DECISION

BOSTON CULINARY GROUP, INC. DBA CENTERPLATE
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BOSTON, MA 02215
LICENSE#: 011600475
VIOLATION DATE: 08/03/2012
HEARD: 12/11/2012

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, December 11, 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 (5 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 August 3, 2012;
 3. Copy of a Georgia Driver's License for M. Clark;
 4. Copy of a Vermont Driver's License for J. Amery;
 5. Copies of University of New Hampshire College identification and Massachusetts Driver's License for Hannah Jekowsky.
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- A. Map of Bank of America Pavilion Site Plan;
 - B. List of Alcohol Regulators to Manage Pass-offs;
 - C. Alcohol Service Plan;
 - D. Warning Notice Card Issued to all False ID Customers;
 - E. Photocopy of Driver's License for Four (4) Alcohol Regulators;
 - F. Copy of Alcohol Policy; and
 - G. Copy of Common Victualler License.

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

FACTS


1. On Friday, August 3, 2012, at approximately 8:20 p.m., Investigators Keefe, Velez, Doyle, Carey, and Capurso conducted an investigation of Boston Culinary Group, Inc. dba Centerplate, Bank of America Pavilion, to determine the manner in which their business was being conducted.
2. Investigators observed a group of youthful looking patrons, standing next to a railing near the beer stands, in possession of alcoholic beverages.

3. Investigators approached these patrons, identified themselves, and asked to see proof of age.
4. Ms. Blake Bohling presented a Vermont Driver's License in the name of Ms. J. Amery, date of birth September 23, 1989, age twenty-two (22) years.
5. Investigators observed that the individual before them had different nose, eyes, and chin, and was taller than the person pictured on the Vermont license.
6. Ms. Bohling's real identification showed date of birth December 10, 1992, age nineteen (19) years.
7. Ms. Bohling was in possession of a plastic cup of Budweiser beer.
8. Ms. Bohling stated she asked an unknown male to purchase the beer for her. The unknown male gave her the beer and did not ask her for any money.
9. Ms. Caitlin Chase presented a Georgia Driver's License in the name of Ms. M. Clark, date of birth August 20, 1988, age twenty-three (23) years.
10. Investigators observed that the individual before them had a slimmer face and smaller forehead, and was shorter than the person pictured on the Georgia license.
11. Ms. Chase's real identification showed date of birth January 1, 1993, age nineteen (19) years.
12. Ms. Chase was in possession of a plastic cup of Budweiser beer.
13. Ms. Chase stated she asked an unknown male to purchase the beer for her, and that she had given the unknown male thirteen (13) dollars.
14. Ms. Colleen Brooks presented a Massachusetts Driver's License in the name of Ms. H. Jekowsky date of birth September 22, 1990, age twenty-one (21) years.
15. Investigators observed that the individual before them had a different nose, eyes, chin, and a slimmer face than the person pictured on the Massachusetts license.
16. Ms. Brooks' real identification showed date of birth October 25, 1992, age nineteen (19) years.
17. Ms. Brooks was in possession of a plastic cup of Budweiser beer.
18. Ms. Brooks stated that she purchased the beer from one of the beer tents with Ms. Jekowsky's Massachusetts Driver's License, and provided Ms. Jekowsky's University of New Hampshire school identification when asked for backup id.
19. The three (3) underage females stated they had taken the train from Braintree to the licensed premises, and left a car parked at the Braintree train station.
20. The parents of the underage females were notified.
21. Ms. Chase's parent agreed to come to Boston and pick up all three (3) underage girls to ensure their safety.
22. Management of the licensed premises provided a safe place to monitor the underage females until the parent arrived.
23. Investigators observed the underage females seated by the exit, being monitored by a female staff attendant who also provided water.
24. Investigators also identified two (2) other youthful looking patrons in possession of alcoholic beverages.
25. Underage female one was identified as date of birth September 11, 1993, age nineteen (19) years, and was in possession of a can of Pabst beer.
26. Underage female two, date of birth September 22, 1994, age seventeen (17) years, was in possession of a can of Budweiser Light beer.
27. Both underage females stated the beer was given to them by an adult friend.
28. Investigators notified the parents and guardian of the underage females, and the parents agreed to allow the underage females to leave with another adult friend, later identified as Mr. John Clapp, to whom the investigators spoke.
29. Investigators identified all the underage patrons to the manager of record, Mr. Michael Sheeran, who was informed of the violations, 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 (5 Counts). Therefore, the Commission **suspends the license for twenty-two (22) days of which twelve (12) days will be served and ten (10) 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, Commissioner 

DATE: December 12, 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
Lisa Miller, Esq. via Facsimile 732-727-5028
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