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Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

**J. PACE & SON UPTOWN INC. D/B/A J. PACE & SON WATERFRONT
1 PARK LANE
BOSTON, MA 02201
LICENSE#: 0116-01908
VIOLATION DATE: 08/01/2017
HEARING DATE: 11/14/2017**

J. Pace & Son Uptown Inc. d/b/a J. Pace & Son Waterfront (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 14, 2017, 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 Guarino-Wilichoski's Report.

The following documents are in evidence:

1. Investigator Guarino-Wilichoski's Compliance Check Field Report;
2. Licensee's Stipulation of Facts; and
3. 6-Pack of Bud Light beer.

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

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

FACTS

1. On Tuesday, August 1, 2017, at approximately 5:46 p.m., Investigator Wilichoski and State Trooper Christopher Fraser ("Investigators") investigated the business operation of J. Pace & Son Uptown Inc. d/b/a J. Pace & Son Waterfront.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack of Bud Light beer, for seven dollars and ninety-nine cents (\$7.99). 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. Therefore, the Commission **suspends the license for three (3) days which 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 

Elizabeth A. Lashway, Commissioner 

Dated: November 15, 2017

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.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino-Wilichoski, Investigator
Trooper Chris Fraser, Troop F Headquarters, Logan Airport
Administration, File