



Jean M. Lorizio, Esq.
Chairman

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

**LEGAL SEA FOODS INC. D/B/A LEGAL SEA FOODS
LOGAN AIRPORT, TERMINAL B BA-A31
BOSTON, MA 02201
LICENSE#: 01160-2040
VIOLATION DATE: 08/08/2017
HEARING DATE: 1/9/2018**

Legal Sea Foods Inc. d/b/a Legal Sea Foods (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, January 9, 2018, 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 Wilichoski's Report.

The following documents are in evidence:

1. Investigator Wilichoski's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.
 - A. ServSafe Certification; and
 - B. Pre-meal Service Template.

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

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

FACTS

1. On Tuesday, August 8, 2017, at approximately 5:34 p.m., Investigators Di Cicco and Wilichoski ("Investigators") investigated the business Legal Sea Foods Inc. d/b/a Legal Sea Foods.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a draft of Bud Light beer, for five dollars and sixty-two cents (\$5.62). The underage operative was not asked for identification.

CONCLUSION

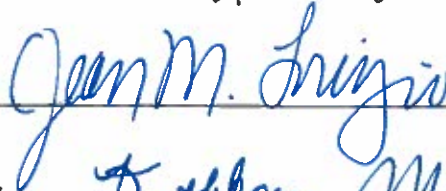
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: January 10, 2018

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
Dennis Keefe, Investigator
Joseph Di Cicco, Investigator
Caroline Guarino-Wilichoski, Investigator
Richard Heller, Esq. via facsimile 617-530-9810
Administration, File