



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

RATTLESNAKE BAR & GRILL, INC. DBA RATTLE SNAKE BAR & GRILL
384 BOYLSTON ST.
BOSTON, MA 02110
LICENSE#: 011600107
HEARD: 11/01/11

Rattlesnake Bar & Grill, Inc. (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws Chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing Tuesday, November 1, 2011, regarding an alleged violation of M.G.L. c. 138, §34. Prior to the commencement of the hearing the licensee stipulated to the facts detailed in Investigator Rose Egan-Bailey's Report.

The following documents are evidence:

1. Investigator's Reports; and
2. Stipulation of Facts.

There is one (1) tape of this hearing.

FACTS

1. On Thursday, August 4, 2011 at approximately 11:30 p.m., Investigators Doyle, Capurso and Bailey conducted an investigation of the above referenced licensee in an effort to prevent underage drinking and determine the manner in which the business is conducted.
2. Investigators observed a youthful female patron located on the roof top deck in possession of an alcoholic beverage, later identified as a 'Mud Slide.'
3. Investigators identified themselves and asked her for identification.
4. The female patron was unable to provide investigators with identification after looking through a pocket book in her possession.
5. Upon further questioning, the youthful female admitted to investigators that she was twenty (20) years old.
6. Investigator Doyle asked the female patron if she had been asked for identification at any time while on the premise.
7. She stated she was not asked for identification.
8. Investigator Doyle spoke with the female patron and explained the seriousness of the situation.

9. After a period of time, she stated she is a frequent patron and that she knows many of the employees and they probably assumed she was twenty-one (21).
10. She further stated she didn't want any of the employees to get fired because of her.
11. The female patron then provided Investigator Doyle with a valid U.S. Passport.
12. Prior to exiting the premises, Investigator Doyle spoke with the General Manager identified as Christopher Sheridan, as well as the doorman, identified as Robert Ward.
13. Investigator Doyle asked Mr. Ward if he had asked for and been provided with identification from the female patron.
14. He stated no, as she was a regular customer.
15. Investigator Doyle informed Mr. Sheridan that a violation report would be submitted to the Chief Investigator for further review.
16. Investigators left the premise without incident.
17. The licensee stated that it was a mistake on the part of the company and that they have now instituted a policy that everyone, regardless of age have a valid form of identification and must be asked for identification before entering the premises.
18. An administrative review showed that the licensee has had the license for over ten (10) years and has not had any prior violations.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner

Susan Corcoran

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

Kathleen McNally, Commissioner

Kathleen McNally

Dated: November 28, 2011

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 Investigating Officer
Rosemary Egan-Bailey, Investigator
Administration
File