

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

Steven Grossman
Treasurer and Receiver General

DECISION

Kim J. Gainsboro, Esq.
Chairman

Two Pounds, Inc. dba The Tain
31-35 India Street
Boston, MA 02110
License#: 011600474
Heard: 3/15/2011

Two Pounds, Inc. dba The Tain ("Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, March 15, 2011, regarding an alleged violation of M.G.L. c.138, §34C (4 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Michael Teehan's report.

The following documents are taken into evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Michael Teehan's Report;
3. Photocopies of the four (4) ID's Used by the Minors;
4. RMV Information Printout;
5. RMV Information Printout;
6. RMV Information Printout; and
7. RMV Current Image, License/Id and Demographic Sheet.

There is one (1) tape of this hearing.

FACTS

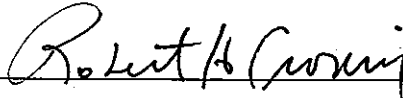
1. On Saturday, December 18, 2010, Investigators Capurso and Teehan as well as Chief Investigator Mahony investigated the business operation of Two Pounds, Inc. dba The Tain.
2. The investigators noticed four (4) youthful looking females in possession of alcoholic beverages
3. Three (3) of the female patrons used false Connecticut Drivers Licenses, bearing their real names to enter the premises and displayed they were twenty-four (24) years of age.
4. One (1) female patron used her sister's valid Massachusetts Drivers License, stating she was twenty-five (25) years of age, to enter the premises.
5. The four (4) females were all twenty (20) years of age.
6. Administrative review of the file indicates this was the first violation by the licensee in thirteen (13) years of ownership.
7. The attorney for the licensee pointed out the resemblance between the young woman who used her sister's license (Exhibit 3) and her RMV printout (Exhibit 7).

CONCLUSION

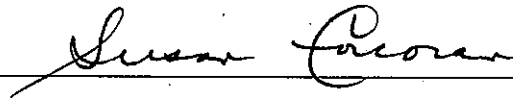
Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §34C (4 counts). Therefore, the Commission **suspends the licensee's license for a period of nine (9) days of which nine (9) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: May 13, 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 Investigator
Michael Teehan, Investigator
Matthew McCarthy, Esq. via Facsimile 617-657-6297
Administration
File