

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**DUGAS RESTAURANT & CATERING LLC D/B/A THE CLAM BOX
53 SOUTH MAPLE STREET
BROOKFIELD, MA 01506
LICENSE#: 05504-RS-0146
VIOLATION DATE: 6/01/2022
HEARD: 9/13/2022**

Dugas Restaurant & Catering LLC d/b/a The Clam Box ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, September 13, 2022, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Compliance Check Field Report;
2. ABCC Licensing Authority Certification, New License Approved, 3/12/2020;
3. Licensee's Stipulation of Facts.

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

FINDINGS OF FACT

1. On Wednesday, June 1, 2022, at approximately 7:58 p.m., Investigator Keefe ("Investigator"), inspected the business operation of Dugas Restaurant & Catering LLC d/b/a The Clam Box.
2. An underage operative, working under the supervision of the Investigator, was served an alcoholic beverage, one Bud Light draft beer. The underage operative was not asked for identification.
3. Cynthia Dugas, owner, and Timothy Dugas, owner and manager, of the Licensee, appeared at the Commission hearing. Mr. Dugas testified the employee, who served the underage operative, was a trainee working behind the bar that evening with the training manager. Unfortunately, when the training manager was in the basement, she took it upon herself to

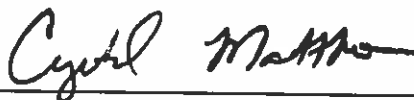
wait on the underage operative and served the underage operative a beer. She had not yet completed the TIPS training the Licensee requires of all employees.

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. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner

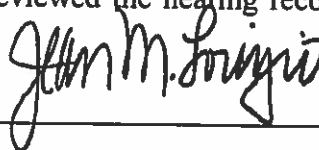


Deborah A. Baglio, Commissioner



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

Jean M. Lorizio, Chairman



Dated: September 30, 2022

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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2022-000106-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Dennis Keefe, Investigator
Administration, File