



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

Deborah B. Goldberg
Treasurer and Receiver General

Kim L. Gainsboro, Esq.
Chairman

DECISION

ERIC R. BIRD D/B/A CLASSIC PIZZA/BLUENOTE CAFÉ
29 MAIN ST.
CHESTER, MA 01011
LICENSE#: 021200001
VIOLATION DATE: 08/08/2016
HEARING DATE: 12/14/2016

Eric R. Bird d/b/a Classic Pizza/Bluenote Café (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 Wednesday, December 14, 2016, 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 Carey's Report.

The following documents are in evidence:

1. Investigator Carey's Compliance Check Field Report dated August 8, 2016; and
2. Licensee's Stipulation of Facts.

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

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

FACTS

1. On Monday, August 8, 2016, at approximately 7:00 p.m., Investigators Temple and Carey ("Investigators") investigated the business operation of Eric R. Bird d/b/a Classic Pizza/Bluenote Café.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a Budweiser Light beer for three dollars and fifty cents (\$3.50). The underage operative was not asked for identification.

CONCLUSION

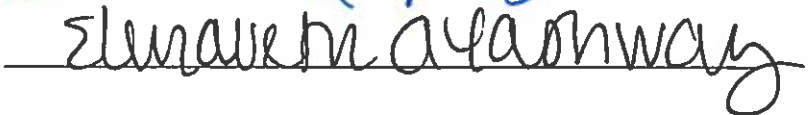
Based on the evidence the Commission finds the Licensee violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for more than 25 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: December 19, 2016

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
Christopher Temple, Investigator
Jack Carey, Investigator
Administration, File