



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

BW-DANVERS LLC DBA BUFFALO WILD WINGS GRILL & BAR
100 INDEPENDENCE WAY
DANVERS, MA 01923
LICENSE#: 026400015
VIOLATION DATE: 03/14/2013
HEARD: 07/09/2013

BW-Danvers LLC dba Buffalo Wild Wings Grill & Bar (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, July 9, 2013, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Kelleher's Investigative Report dated March 14, 2013;
3. RMV Printout for S. Olson;
4. Massachusetts Driver's License for K. Mielcarz; and
5. Buffalo Wild Wings Receipt dated March 14, 2013 for \$36.00.

A. Licensee's Responsible Alcohol Service Policy.

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

FACTS

1. On Thursday, March 14, 2013, at approximately 10:20 p.m., Investigators Capurso and Kelleher investigated the business operation of BW-Danvers LLC dba Buffalo Wild Wings Grill & Bar to determine the manner in which their business was being conducted.
2. Investigators observed a group of youthful looking individuals who were seated at a table in the lounge area, and were in possession of alcoholic beverages.
3. Investigators approached the group, identified themselves, and asked to see proof of legal drinking age.
4. Samantha Olson, actual date of birth [REDACTED] (age 20) presented a Massachusetts Driver's License in the name of Kendra Mielcarz, date of birth [REDACTED] (age 23) to investigators.

5. Investigators observed Ms. Olson in possession of a Bahama Mama, a wild berry margarita, and a tall Bud Light draft beer.
6. Ms. Olson advised investigators that she presented Ms. Mielcarz's Massachusetts driver's license to the waitress, who was identified as Jennifer Harrigan.
7. Ms. Olson stated she ordered and was served three drinks.
8. Investigators observed that Ms. Olson did not resemble the identification presented as she has an extremely thin face and extremely blue eyes. Ms. Mielcarz's Massachusetts driver's license shows an individual with a round face and brown eyes.
9. The other parties at the table with Ms. Olson were identified as: Arianna Griswold, actual date of birth [REDACTED] (age 22); Patrick Thompson, actual date of birth [REDACTED] (age 21); and Francis Keith, actual date of birth [REDACTED] (age 22).
10. Investigators contacted Ms. Olson's mother and advised her of the incident. Mrs. Olson advised investigators that she would come to pick up her daughter from the restaurant.
11. Mr. Keith advised investigators that he was the designated driver and had not been drinking.
12. Ms. Griswold advised investigators that she had the wild berry margarita. She further stated to investigators that "Buffalo Wild Wings rarely ever ids and that they will serve anyone."
13. Investigators presented the fraudulent identification and underage individual to the manager on duty, Brad Hodgson.
14. Investigators informed Mr. Hodgson that a violation report would be submitted to the Chief Investigator for review.

CONCLUSION

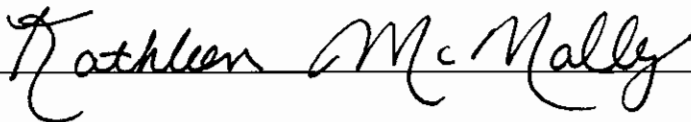
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34C- Possession of an alcoholic beverage by a person under 21 years of age (1 count). Therefore, the Commission **suspends the license for three (3) days of which three (3) 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

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



DATE: July 10, 2013

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
Tara Kelleher, Investigator
Paul Capurso, Investigator
Administration
File