



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

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**YARD HOUSE USA, INC. D/B/A YARD HOUSE  
200 LEGACY PLACE  
DEDHAM, MA 02026  
LICENSE#: 03663-RS-0274  
VIOLATION DATE: 12/28/2019  
HEARD: 9/21/2021**

Yard House USA Inc. d/b/a (the "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 21, 2021, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Violation Report;
2. Licensee's Accela Summary, License Approved, 10/11/2017;
3. Licensee Stipulation of Facts.

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

**FINDINGS OF FACT**

1. On Saturday, December 28, 2019, at approximately 12:50 a.m., Investigators Keefe and Temple ("Investigators") conducted an investigation of the business operation of Yard House USA Inc. d/b/a Yard House to determine the manner in which its business was being conducted.
2. While on the licensed premises, Investigators observed a youthful appearing female individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age.


3. Underage #1, actual date of birth 7/28/2000 (age 19), was in possession of a pomegranate margarita mixed drink. She stated to Investigators that she was not asked for any identification, and that this was her second drink.
4. Investigators spoke to co-managers Evan Allaire and Paul Knox, and the bartender, Bob Grimes. Mr. Grimes confirmed he had served Underage #1 and had not asked her to produce identification.
5. Investigators informed Mr. Allaire and Mr. Knox of the violation and that a report would be filed with the Chief Investigator for further review.
6. Fred Pahl, General Manager at the establishment, and James Birdseye, Director of Operations for the Licensee appeared at the Commission hearing. It was explained that Mr. Pahl was not employed by the Licensee at the time of the Investigator's visit, but he conducted an investigation with employees as to the events of the evening. Mr. Grimes believed the underage patron was a regular who had produced identification in the past so was not asked to produce any proof of age. He was terminated for failing to comply with the Licensee's policies and procedures. The incident has been discussed with staff and the Licensee has ensured all servers have been TIPS certified and has increased training for all employees.
7. The Licensee has held a license under M.G.L. c. 138, § 12 since 2017 with no prior violations.

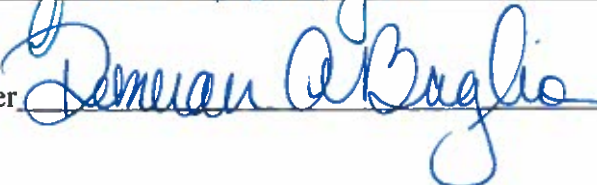
#### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated of 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (1 Count). Therefore, the Commission **suspends the license for a period of one (1) day which is hereby deemed served.**

#### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner 

Jean M. Lorzio, Chairman 

Deborah Baglio, Commissioner 

Dated: September 22, 2021

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  
Kyle E. Gill, Esq., Associate General Counsel  
Christopher Temple, Investigator  
Dennis Keefe, Investigator  
Joseph Devlin, Esq.  
Administration, File