

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

Deborah B. Goldberg
Treasurer and Receiver General

NOTICE OF SUSPENSION

Kim J. Gainsterc, Esq.
Chairman

March 29, 2016

**SAND DOLLAR BAR & GRILLE, INC. D/B/A SAND DOLLAR BAR & GRILL
244 LOWER COUNTY RD.
DENNIS, MA 02639
LICENSE#: 027800114
VIOLATION DATE: 9/4/2015
HEARD: 03/15/2015**

After a hearing on March 15, 2016, the Commission finds Sand Dollar Bar & Grille, Inc. d/b/a Sand Dollar Bar & Grill violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts).

Therefore the Commission suspends the license for a period of eight (8) days of which four (4) days will be served, and four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.

By decision dated December 14, 2014, the Commission had previously ordered a four (4) day license suspension, with two (2) days to be served and two (2) days to be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that two (2) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the four (4) day suspension. The Licensee will serve a total six (6) days.

The suspension shall commence on Wednesday, May 18, 2016 and terminate on Monday, May 23, 2016. The license will be delivered to the Local Licensing Board or its designee on Wednesday, May 18, 2016 at 9:00 A.M. It will be returned to the licensee on Tuesday, May 24, 2016.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

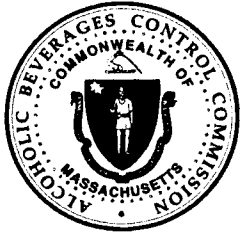
ALCOHOLIC BEVERAGES CONTROL COMMISSION



Kim S. Gainsboro
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jack Carey, Investigator
Jamie Binienda, Investigator
Mail to: 261 Main St., South Dennis, MA 02660
Administration
File



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

Deborah B. Goldberg
Treasurer and Receiver General

DECISION

Kim J. Gainsboro, Esq.
Chairman

SAND DOLLAR BAR & GRILLE, INC. D/B/A SAND DOLLAR BAR & GRILL
244 LOWER COUNTY RD.
DENNIS, MA 02639
LICENSE#: 027800114
VIOLATION DATE: 09/04/2015
HEARD: 03/15/2015

Sand Dollar Bar & Grille, Inc. d/b/a Sand Dollar Bar & Grill (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, March 15, 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, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts). 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 Investigative Report dated September 4, 2015;
2. Licensee's Stipulation of Facts; and
3. Photocopy of Fake Driver's Licenses.

A. Licensee's Draft Operations Plan.

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

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

FACTS

1. On Friday, September 4, 2015, at approximately 11:20 p.m., Investigators Binienda and Carey ("Investigators") conducted an investigation of the business operation of Sand Dollar Bar & Grille, Inc. d/b/a Sand Dollar Bar & Grill.
2. Investigators entered the licensed premises and observed two youthful looking patrons in possession of alcoholic beverages.
3. Investigators identified themselves and asked to see proof of legal age.

4. Underage #1, actual date of birth 10/11/1995 (age 19) was in possession of a Corona beer. He presented Investigators with a fake Maryland driver's license which he had used to gain entrance into the establishment. Underage #1 stated that the bartender did not ask for his identification.
5. Underage #2, actual date of birth 11/14/1995 (age 19) was in possession of a Corona beer. He presented Investigators with a fake Maryland driver's license which he had used to gain entrance into the establishment. Underage #2 stated that the bartender did not ask for his identification.
6. Investigators informed the owner, Terry O'Donnell, of the violation and that a report would be filed with the Chief Investigator for further action.

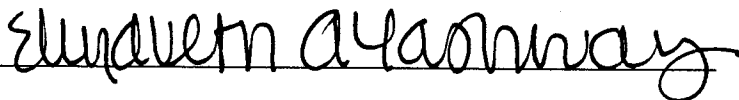
CONCLUSION

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, §34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 counts). Therefore the Commission **suspends the license for a period of eight (8) days of which four (4) days will be served, and four (4) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

By decision dated December 14, 2014, the Commission had previously ordered a four (4) day license suspension, with two (2) days to be served and two (2) days to be held in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the Licensee violated the conditions of that two (2) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the four (4) day suspension. The Licensee will serve a total six (6) days.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Elizabeth A. Lashway, Commissioner



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

Kathleen McNally, Commissioner



Dated: March 29, 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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