



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, Massachusetts 02114  
Tel. (617) 727-3040  
Fax: (617) 727-1510*

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

**DECISION**

**SAND DOLLAR BAR AND GRILLE LLC D/B/A THE SAND DOLLAR  
244 LOWER COUNTY ROAD  
DENNIS, MA 02639  
LICENSE#: 00114-RS-0278  
VIOLATION DATE: 8/17/2018  
HEARD: 12/04/2018**

Sand Dollar Bar and Grille LLC d/b/a The Sand Dollar (the "Licensee" or "Super Liquors") holds a seasonal alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, December 4, 2018, regarding alleged violations of:

- 1) 204 CMR 4.03 (1) No licensee or employee or agent of a license shall (a) offer or deliver any free drinks to any person or group of persons;
- 2) 204 CMR 4.03 (1) No licensee or employee or agent of a licensee shall (c) Sell, offer to sell or deliver to any person or group of persons any drink at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public; and
- 3) 2.04 CMR 4.03 (2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 2.04 CMR 4.03.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Investigative Report; and
2. Licensee Stipulation of Facts;

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

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

### FINDINGS OF FACT

1. On Friday, August 17, 2018, Investigators Temple and Velez (“Investigators”) conducted an investigation of the business operation of Sand Dollar Bar and Grille LLC d/b/a The Sand Dollar to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and a short time later, observed a chalkboard above the bar with handwritten markings indicating, “BUCKETS OF BEER 5 FOR THE PRICE OF 4.”
3. Investigators spoke to the owner, Terry O’Donnell and asked him about the drink special taking place.
4. O’Donnell stated that one could purchase a bucket of beers which consisted of the cheaper beer brands. He stated when a patron purchased four beers, the fifth beer would be supplied at no charge. O’Donnell stated that the price of a bottle of beer is \$3.75 and the full price for a bucket of beers would be \$18.75. The special allowed one to purchase a bucket of 5 beers for \$15.00 instead.
5. Investigators informed Mr. O’Donnell of the violation and that a report would be filed with the Chief Investigator for further review.

### CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) 204 CMR 4.03 (1) (a) No licensee or employee or agent of a license shall (a) offer or deliver any free drinks to any person or group of persons;
- 2) 204 CMR 4.03 (1) (c) No licensee or employee or agent of a licensee shall (c) Sell, offer to sell or deliver to any person or group of persons any drink at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public; and
- 3) 2.04 CMR 4.03 (2)- No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 2.04 CMR 4.03.

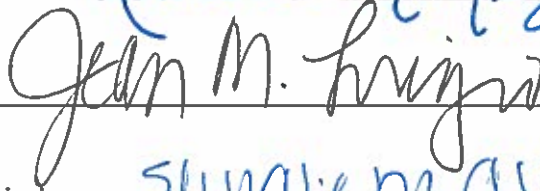
Therefore, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

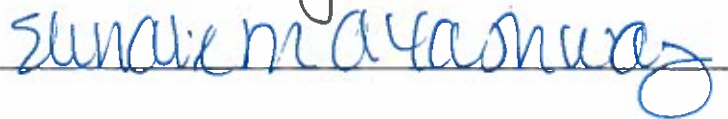
Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Dated: December 6, 2018

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  
Nicholas Velez, Investigator  
Christopher Temple, Investigator  
Administration, File