



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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**WOODY'S EASTHAM LOBSTER POOL LLC DBA STEWART'S RESTAURANT TAVERN**  
**4360-4380 STATE HIGHWAY**  
**EASTHAM, MA 02642**  
**LICENSE#: 036400036**  
**HEARD: 9/13/2011**

Woody's Eastham Lobster Pool LLC dba Stewart's Restaurant Tavern (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission ("the Commission") held a hearing on Tuesday, September 13, 2011, regarding an alleged violation of M.G.L. c. 138, §34 detailed in Investigator Jamie Binienda's Compliance Check Field Report.

The following documents are in evidence:

1. Compliance Check Field Report of Investigator Jamie Binienda.

There is one (1) tape of this hearing.

**FACTS**

1. On, June 10, 2011 at approximately 4:14 p.m., Commission Investigators investigated the business operation Woody's Eastham Lobster Pool, LLC dba Stewart's Restaurant Tavern.
2. An underage operative, working with the investigators, purchased a Bud Light for four dollars and seventy cents (\$4.70). The underage operative was not asked for identification.
3. Administrative review of the file indicates the license has no prior violations.

**CONCLUSION**

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34. 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 *Susan Corcoran*

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

Kathleen McNally, Commissioner *Kathleen McNally*

Dated: November 8, 2011

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  
Jamie Binienda, Investigator  
Mark Kenny, Investigator  
Administration  
File