

Re: Seaport Inn LLC  
Premise: 110 Middle Street  
City/Town: Fairhaven, MA 02719  
License #: 038400022  
Heard: June 15, 2010

### **DECISION**

Seaport Inn LLC (“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 June 15, 2010 regarding an alleged violation of Massachusetts General Laws c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Mark Kenny’s investigative Report.

The following documents are in evidence:

1. Licensee’s Stipulation of Facts; and
2. Investigative Report of Investigator Mark Kenny.

There is one (1) tape of this hearing.

### **FACTS**

1. On, February 19, 2010 at approximately 9:35 p.m., Commission Investigators investigated the business operation of Seaport Inn LLC.
2. While outside of the licensed premises, Investigators observed three (3) youthful looking patrons in possession of alcoholic beverages. Investigators asked the patrons for identification and the following information was recorded.

**Richard Botelho**  
**50 Bay Street**  
**Fairhaven, MA 02719**  
**DOB: 6/6/1990 (19)**

Botelho was observed in possession of a Corona bottle of beer. Botelho stated that no person at the establishment asked him for identification. Botelho also stated that he does not have a driver’s license. The Investigators verified Botelho’s information with a healthcare card. Investigator Binienda verified that Botelho does not have a driver’s license by conducting a search of the Registry of Motor Vehicles database.

**Kristy E. MacMillen  
25 Siamese Avenue  
Acushnet, MA 02743  
DOB: 5/5/1991 (18)**

MacMillen was observed in possession of an alcoholic beverage known as a Pomegranate Martini. MacMillen stated that no person at the establishment asked her for identification.

**Brandon Pierce  
1 South Main Street  
Acushnet, MA 02743  
DOB: 8/12/90**

Pierce was observed in possession of a Corona bottle of beer. Pierce stated that no person at the establishment asked him for identification.

Brittany Senna (who is 21 years of age) stated that she purchased the alcoholic beverages from bartender Mark Leal and delivered the alcoholic beverages to the underage individuals. Senna also stated that she “works here on the hotel side”.

The Investigators spoke with the Bartender on duty, Mark Leal. Leal stated the he only checked Brittany Senna’s identification and did not ask the other individuals that were with Senna for their identification. The Investigators informed Leal 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 Massachusetts General Laws c. 138, §34. As the licensee has had no previous violations the Commission **suspends the license for thirteen (13) days of which five (5) days will be served and eight (8) 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 \_\_\_\_\_

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

Robert H. Cronin, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 10<sup>th</sup> day of August 2010.

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 days of receipt of this decision.

cc: Fairhaven Licensing Board  
Frederick G. Mahony, Chief Investigator  
File