

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

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim J. Gainsboro, Esq.*  
*Chairman*

**DECISION**

**M.B.C. INN & LOUNGE, INC. DBA ANCIENT MARINERE**  
**7 MECHANIC STREET**  
**FOXBOROUGH, MA 02035**  
**LICENSE#: 0426 00008**  
**VIOLATION DATE: 08/23/2013**  
**HEARD: 04/15/2014**

M.B.C. Inn & Lounge, Inc. dba Ancient Marinere (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, April 15, 2014, regarding an alleged violation of 204 CMR 2.05(2) Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 94 §186 – Falling Below the Standard of Purity (fruit flies) (7) Counts. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Teehan's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Teehan's Investigative Report dated September 20, 2013.

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

**FACTS**

1. On Friday, August 23, 2013, at approximately 10:10 p.m., Chief Investigator Mahony, along with Investigators Keefe, Doyle, and Teehan conducted an investigation of the business operation of M.B.C. Inn & Lounge, Inc. dba Ancient Marinere to determine the manner in which its business was being conducted.
2. Upon entering the premises, the Investigators identified themselves to the manager on record, later identified as Joyce Carlson.
3. Investigators inspected three bar areas of the licensed premises (two inside and one outside) and observed that the following bottles contained fruit flies:
  - 1 bottle of Bacardi Gold Rum
  - 1 bottle of Dekuyper Sloe Gin
  - 1 bottle of Bacardi Rum
  - 1 bottle of Bacardi Torched Cherry Rum
  - 1 bottle of Jose Cuervo Tequila
  - 1 bottle of Yukon Jack Canadian Liqueur
  - 1 bottle of Martini Rossi


4. Ms. Carlson observed each bottle and confirmed the existence of the fruit flies.
5. Investigators informed Ms. Carlson of the violation and that a report would be submitted to the Chief Investigator for further action.

#### 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. 94 §186 – Falling Below the Standard of Purity (fruit flies) (7) Counts. Therefore, the Commission **suspends the license for two (2) days of which two (2) 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



Kathleen McNally, Commissioner



Dated: April 16, 2014

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  
Michael Teehan, Investigator  
Brad Doyle, Investigator  
Dennis Keefe, Investigator  
Administration  
File