



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

*Deborah B. Goldberg*  
*Treasurer and Receiver General*

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

**DECISION**

**SOUTHWEST FRESH INC. DBA SOUTH SIDE GRILLE AND MARGARITA FACTORY**  
**242 WEST BROADWAY**  
**GARDNER, MA 01440**  
**LICENSE#: 043600033**  
**VIOLATION DATE: 05/06/2015**  
**HEARD: 07/14/2015**

Southwest Fresh Inc. dba South Side Grille and Margarita Factory (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, July 14, 2015, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Bailey's Report.

The following documents are in evidence:

1. Investigator Bailey's Compliance Check Field Report dated May 6, 2015;
2. Licensee's Stipulation of Facts;
3. Commission's 2015 Compliance Check Guidelines; and
4. Photograph of Underage Operative.

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

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

**FACTS**

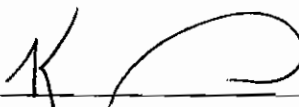
1. On Wednesday, May 6, 2015, at approximately 7:18 p.m., Investigators Doyle and Bailey conducted an investigation of the business operation of Southwest Fresh Inc. dba South Side Grille and Margarita Factory.
2. While on the licensed premises an underage operative working with investigators purchased from the Licensee an alcoholic beverage, a bottle of Budweiser Light beer, for four dollars (\$4.00). The underage operative was not asked for identification.

### CONCLUSION

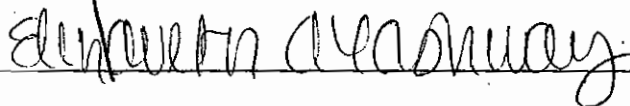
Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for over thirteen (13) years and has had no previous violations, the Commission issues a **WARNING**.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro, Chairman



Elizabeth Lashway, Commissioner



Dated: July 14, 2015

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  
Rose Bailey, Investigator  
Brad Doyle, Investigator  
Administration  
File