

*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**

**PEPPER DINING, INC. DBA CHILI'S GRILL AND BAR**  
**ROUTE 9/ RUSSELL STREET**  
**HADLEY, MA 01035**  
**LICENSE#: 048200039**  
**HEARD: 10/08/2013**

Pepper Dining, Inc. dba Chili's Grill and Bar (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, October 8, 2013, 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 Kenny's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Kenny's Compliance Check Field Report dated April 24, 2013.
  - A. Responsible Alcohol Service Policy;
  - B. Employee Handbook Page 1;
  - C. Employee Handbook Page 2; and
  - D. Staff Member Acknowledgement by Signature on Rules and Policies.

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

FACTS

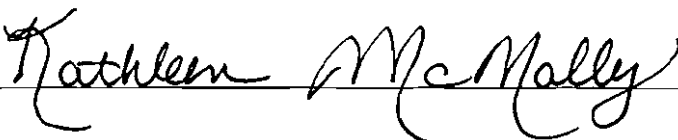
1. On April 24, 2013 at approximately 6:03 p.m., Investigators Teehan and Kenny conducted an investigation of the business operation of Pepper Dining, Inc. dba Chili's Grill and Bar.
2. An underage operative working with investigators purchased an alcoholic beverage, a Bud Bottle for four dollars and twenty-seven cents (\$4.27). 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. The licensee has been in business for fifteen (15) years and has no prior violations. Therefore, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: October 9, 2013

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  
Mark Kenny, Investigator  
Administration  
File