



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

PHOENIX RESTAURANT CONCEPTS, LLC DBA ARIZONA PIZZA COMPANY
367 RUSSELL STREET
HADLEY, MA 01035
LICENSE#: 048200051
VIOLATION DATE: 03/10/2014
HEARD: 06/17/2014

Phoenix Restaurant Concepts, LLC dba Arizona Pizza Company (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, June 17, 2014, 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 Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Keefe's Investigative Report dated March 10, 2014;
3. Photo of Underage Operative; and
4. Receipt dated March 10, 2014.

There is one (1) audio recording of this hearing, and one (1) witness testified.

FACTS

1. On Monday, March 10, 2014, at approximately 6:00 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of Phoenix Restaurant Concepts, LLC dba Arizona Pizza Company.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a draft Budweiser Light beer for three dollars and seventy-five cents (\$3.75). The underage operative was not asked for identification.
3. At the time of the alleged violation, the owner and license manager was Robert Trask.
4. The Commission heard testimony that Mr. Trask no longer has any interest or control over the license since he lost the license in bankruptcy.

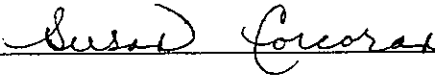
5. On March 31, 2014, the Commission approved a transfer of license application to William Stevens. Mr. Stevens attended the hearing on June 17, 2014 as he is the current owner and license manager.
6. Since the alleged violation was committed by the previous licensee, who no longer owns the license, the Commission finds no violation against the current license holder, Mr. Stevens.

CONCLUSION

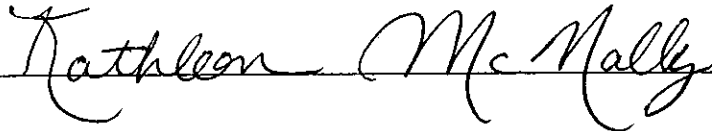
Based on the evidence presented at the hearing, the Commission finds no violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: June 23, 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Mail to: Bill Stevens 395 Pittsfield Rd Lenox
Administration
File