



Jean M. Lorizio, Esq.
Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

**BEVERLY BEER, INC D/B/A THE BLACK COW RESTAURANT
16-32 BAY RD
HAMILTON, MA 01982
LICENSE#: 0486-00010
VIOLATION DATE: 07/26/2017
HEARING DATE: 11/21/2017**

Beverly Beer, Inc. d/b/a The Black Cow Restaurant (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, November 21, 2017, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. 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 Wilichoski's Report.

The following documents are in evidence:

1. Investigator Wilichoski's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.
 - A. List of Employees and their Certifications; and
 - B. Licensee's Handbook 2017 for Employees.

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

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

FACTS

1. On Wednesday, July 26, 2017, at approximately 6:02 p.m., Investigators Wilichoski and Di Ciccio ("Investigators") investigated the business Beverly Beer, Inc. d/b/a The Black Cow Restaurant.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a bottle of Bud Light beer, for four dollars and one cent (\$4.01). The underage operative was not asked for identification.

CONCLUSION

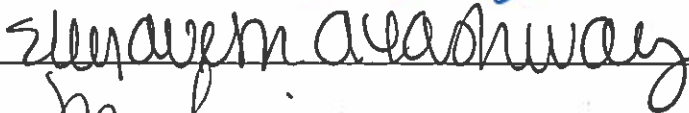
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for more than 20 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

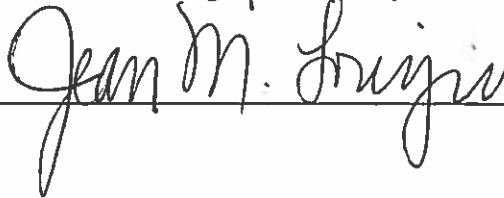
Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Jean M. Lorizio, Chairman



Dated: November 22, 2017

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.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Wilichoski, Investigator
Joseph Di Cicco, Investigator
Stephen V. Miller, Esq. via facsimile 617-946-4624
Administration, File