

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

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

DECISION

INDIGO RESTAURANT CORPORATION
15 WALNUT ROAD
HAMILTON SHOPPING CENTER
HAMILTON, MA 01936
LICENSE#: 048600015
HEARD: 09/25/2012

Indigo Restaurant Corporation (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, September 25, 2012, regarding an alleged violation of 204 CMR 2.05(2), 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 Capurso's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Capurso's Compliance Check Field Report dated May 29, 2012; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Tuesday, May 29, 2012, at approximately 7:39 p.m., Investigators Temple and Capurso conducted an investigation of the business operation of Indigo Restaurant Corporation.
2. An underage operative working with investigators purchased an alcoholic beverage, a container of Budweiser beer for four dollars and twenty-eight cents (\$4.28). The underage operative was not asked for identification.

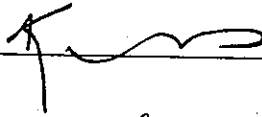
CONCLUSION

Based on the evidence, the Commission finds the licensee violated of 204 CMR 2.05(2), to wit: c.138, §34- Sale or Delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

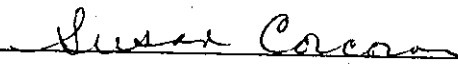
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ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Dated: September 25, 2012

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
Paul Capurso, Investigator
Chris Temple, Investigator
Stephen V. Miller, Esq. 617-946-4624
Administration
File