

*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: 617-727-3040  
Facsimile: 617-727-1510*

**Jean M. Lorizio, Esq.**  
*Chairman*

**DECISION**

**CB HINGHAM LLC D/B/A THE CRACKER BARREL  
613 MAIN STREET  
HINGHAM, MA 02043  
LICENSE#: 0540-00096  
VIOLATION DATE: 05/22/2017  
HEARING DATE: 10/24/2017**

CB Hingham LLC d/b/a The Cracker Barrel (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, October 24, 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 Carey's Report.

The following documents are in evidence:

1. Investigator Carey's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.

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

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

**FACTS**

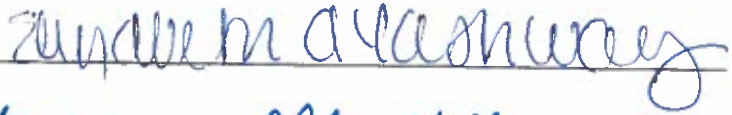
1. On Monday, May 22, 2017, at approximately 6:55 p.m., Investigators Temple and Carey ("Investigators") investigated the business operation CB Hingham LLC d/b/a The Cracker Barrel.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 25-ounce container of Budweiser Light beer for three dollars (\$3.00). The underage operative was not asked for identification.

## CONCLUSION

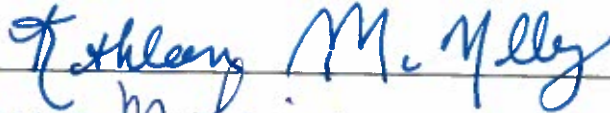
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for a period of 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.**

## **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

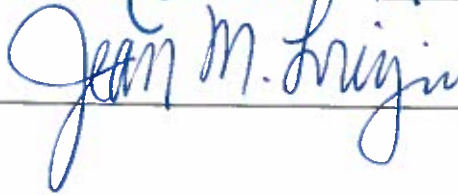
Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Dated: October 25, 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  
Jack Carey, Investigator  
Christopher Temple, Investigator  
Administration, File