



*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**

**D'WENDY'S BAR & RESTAURANT LLC**  
**459-463 BROADWAY**  
**LAWRENCE, MA 01840**  
**LICENSE #: 059400234**  
**HEARD: 059400234**

D'Wendy's Bar & Restaurant LLC (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Wednesday, September 28, 2011, regarding an alleged violation of M.G.L. Ch. 138, §12. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's report.

The following documents are in evidence:

1. Report of Investigator Jamie Binienda; and
2. Licensee's Stipulation of Facts.

There is one (1) tape of this hearing.

**FACTS**

1. On Saturday, August 27, 2011 at approximately 1:20 a.m., Investigator Binienda, Capurso, Bailey and Keefe conducted enforcement operations in the City of Lawrence.
2. Investigators were standing on the sidewalk in front of D'Wendy's Bar & Restaurant LLC.
3. Investigators observed a male patron walk out of the premises with a glass of Hennessy Cognac and head over to the parking lot.
4. Investigators identified themselves to the patron and asked for identification.
5. The investigators spoke with the manager on duty and informed her of the violation and that a report would be filed with the Chief Investigator for further action.

**CONCLUSION**

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §12. The Commission **suspends the license for one (1) day of which one (1) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**