

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150*

Jean M. Lorizio, Esq.
Chairman

DECISION

**MAX BURGER LONGMEADOW LLC D/B/A MAX BURGER
684 BLISS ROAD
LONGMEADOW, MA 01106
LICENSE#: 0628-00022
VIOLATION DATE: 4/17/2019
HEARD: 8/20/2019**

Max Burger Longmeadow LLC d/b/a Max Burger (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, August 20, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.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 facts alleged in Investigator Watson's Report.

The following documents are in evidence:

1. Investigator Watson's Compliance Check Field Report;
 2. Licensee Stipulation of Fact; and
 3. Copy of Licensee's License Application.
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- A. Photo of Sign Requiring Identification;
 - B. TIPS Training Certificate; and
 - C. Licensee's Employee Handbook Acknowledgement Form.

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

FACTS

1. On Wednesday, April 17, 2019, at approximately 4:55 p.m., Investigators Temple and Watson ("Investigators") investigated the business of Max Burger Longmeadow LLC d/b/a Max Burger.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a draft of Bud Light beer for five dollars and thirty-five cents (\$5.35). The underage operative was not asked for identification.

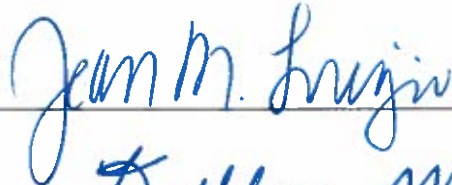
3. The Licensee has held a license under M.G.L. c. 138, § 12 since 2012 with no prior violations.

CONCLUSION

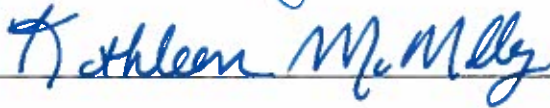
Based on the evidence, the Commission finds the Licensee violated of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 § 34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21). The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: August 20, 2019

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
Kyle E. Gill, Esq., Associate General Counsel
Lisa Watson, Investigator
Christopher Temple, Investigator
Daniel T. Wright, Esq.
Administration, File