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Chairman

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

**WAHLBURGERS LYNNFIELD LLC D/B/A WAHLBURGERS
600 MARKET ST.
LYNNFIELD, MA 01940
LICENSE#: 0640-00037
VIOLATION DATE: 06/21/2017
HEARING DATE: 10/17/2017**

Wahlburgers Lynnfield LLC d/b/a Wahlburgers (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, October 17, 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 Di Cicco’s Report.

The following documents are in evidence:

1. Investigator Di Cicco’s Compliance Check Field Report; and
2. Licensee’s Stipulation of Facts.
 - A. Licensee’s Alcohol Policy; and
 - B. TIPS Certifications.

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

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

FACTS

1. On Wednesday, June 21, 2017, at approximately 8:22 p.m., Investigators Carey and Di Cicco (“Investigators”) investigated the business operation of Wahlburgers Lynnfield LLC d/b/a Wahlburgers.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a bottle of Bud Light beer, for four dollars and eighty-one cents (\$4.81). 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



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner



Dated: October 19, 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
Joe Di Cicco, Investigator
Jack Carey, Investigator
Karen Simao, Esq.
Administration, File