



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

GMRI INC. DBA OLIVE GARDEN ITALIAN RESTAURANT #1626
728 DONALD LYNCH BLVD
MARLBOROUGH, MA 01752
LICENSE#: 066200048
VIOLATION DATE: 05/20/2013
HEARD: 10/22/2013

GMRI Inc. dba Olive Garden Italian Restaurant #1626 (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 22, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, 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 Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Temple's Compliance Check Field Report dated May 20, 2013.
- A. TIPS Participant Session Roster dated August 7, 2013 for Licensee's Employees; and
B. Licensee's Alcohol Awareness Policy and Procedures.

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

FACTS

1. On Monday, May 20, 2013, at approximately 7:29 p.m., Investigators Doyle and Temple conducted an investigation of the business operation of GMRI Inc. dba Olive Garden Italian Restaurant #1626.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a bottle of Budweiser Light beer for four dollars (\$4.00). The underage operative was not asked for identification.

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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: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. . As the licensee has been in business for ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

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

Kathleen McNally, Commissioner *Kathleen McNally*

Dated: October 25, 2013

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
Christopher Temple, Investigator
Brad Doyle, Investigator
Joseph H. Devlin, Esq. via Facsimile 781-592-4990
Administration
File