

Re: Rosario's 1859 House, Inc.  
d/b/a: 1859 Restaurant  
Premises: 12-16 Hampshire Street  
City/Town: Methuen, MA 01844  
Heard: September 15, 2009

### DECISION

A Commission hearing was held to determine whether Rosario's 1859 House, Inc. d.b.a. 1859 Restaurant was in violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count).

The licensee stipulated to the Investigator's Compliance Check Field Report. Investigator Brad Doyle testified that on July 18, 2009 an underage operative (d.o.b. 6/7/1990) entered the 1859 Restaurant, ordered and was served a Budweiser Light beer bottle. At no point was the underage male ever asked for any type of identification during the transaction.

The licensee testified that the person who served the under has been replaced and that everyone has been TIPS Certified.

An administrative review of the licensee's file reveals that this was the licensee's first violation. The Commission finds the licensee in violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count) and, therefore, **issues a warning.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner\_\_\_\_\_

Robert H. Cronin, Commissioner\_\_\_\_\_

Dated in Boston, Massachusetts this 23<sup>rd</sup> day of September 2009.

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 days of receipt of this decision.

cc: Local Licensing Board; Frederick G. Mahony, Chief Investigator; File