



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

ZRC OPERATIONS COMPANY, INC. DBA QDOBA MEXICAN GRILL
70 WORCESTER/PROVIDENCE TPK
MILLBURY, MA 01527
LICENSE#: 071200046
HEARD: 10/16/2012

ZRC Operations Company, Inc. dba Qdoba Mexican Grill (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 16, 2012, 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 21 years of age. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in according to Investigator Keefe's Compliance Check Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
 2. Investigator Keefe's Compliance Check Field Report dated May 21, 2012; and
 3. Photograph of Underage Operative.
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- A. Termination of Employee Who Served Underage Operative;
 - B. Licensee's Alcohol Selling ID Screen Requiring Manager's Code to Continue; and
 - C. Certificate of Completion of eTIPS Training for four (4) Employees.

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

FACTS

1. On Monday, May 21, 2012, at approximately 7:54 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of ZRC Operations Company, Inc. dba Qdoba Mexican Grill.
2. An underage operative working with investigators purchased an alcoholic beverage, a twelve ounce (12 oz.) bottle of Corona beer, for four dollars and twenty-one cents (\$4.21). 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 21 years of age. Therefore, the Commission suspends the license for 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

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 M. McNally*

Dated: October 17, 2012

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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File