



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, Esp.
Chairman

DECISION

MARK C. DUFFY DBA POT BELLY PUB
187 MAIN ST.
MILLVILLE, MA 01529
LICENSE#: 071800003
VIOLATION DATE: 06/18/2013
HEARD: 10/29/2013

Mark C. Duffy dba Pot Belly Pub (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 29, 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 Kujawski's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Kujawski's Compliance Check Field Report dated June 18, 2013.

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

FACTS

1. On Tuesday, June 18, 2013, at approximately 6:40 p.m., Investigators Keefe and Kujawski conducted an investigation of the business operation of Mark C. Duffy dba Pot Belly Pub.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a container of Budweiser Light beer for three dollars (\$3.00). The underage operative was not asked for identification.

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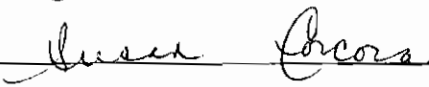
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CONCLUSION

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 more than twenty (20) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

Dated: October 29, 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File