



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

NICHOLAS'S RESTAURANT GROUP INC. D/B/A MORSE TAVERN
85 EAST CENTRAL ST.
NATICK, MA 01760
LICENSE#: 076800034
VIOLATION DATE: 05/17/2016
HEARD: 11/15/2016

Nicholas's Restaurant Group Inc. d/b/a Morse Tavern (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, November 15, 2016, 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 Carey's Report.

The following documents are in evidence:

1. Investigator Carey's Compliance Check Field Report dated May 17, 2016;
2. Licensee's Stipulation of Facts.

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

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

FACTS

1. On Tuesday, May 17, 2016, at approximately 7:09 p.m., Investigators Temple and Carey investigated the business operation of Nicholas's Restaurant Group Inc. d/b/a Morse Tavern.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 22 ounce Coors Light beer for five dollars and thirty-four cents (\$5.34). The underage operative was not asked for identification.

CONCLUSION

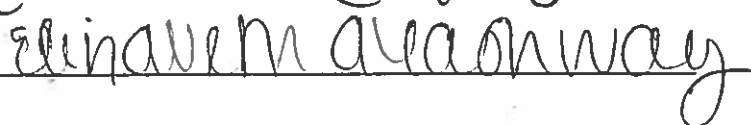
Based on the evidence the Commission finds the Licensee violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for more than 10 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: November 15, 2016

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
Christopher Temple, Investigator
Jack Carey, Investigator
David L. Rubin, Esq. via facsimile 888-872-5560
Administration, File