



**Jean M. Lorizio, Esq.**  
*Chairman*

**Commonwealth of Massachusetts**  
**Department of the State Treasurer**  
**Alcoholic Beverages Control Commission**  
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## **DECISION**

**BERTUCCI'S RESTAURANT CORP. D/B/A BERTUCCI'S ITALIAN RESTAURANT**  
**999 SOUTH WASHINGTON ST., UNIT E-111**  
**NORTH ATTLEBORO, MA 02760**  
**LICENSE#: 0830-00062**  
**VIOLATION DATE: 06/19/2017**  
**HEARING DATE: 09/12/2017**

Bertucci's Restaurant Corp. d/b/a Bertucci's Italian Restaurant (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, September 12, 2017, 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 Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.

A. Licensee's Alcohol Service Policies.

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

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

## **FACTS**

1. On Monday, June 19, 2017, at approximately 4:51 p.m., Investigators Kujawski and Keefe ("Investigators") investigated the business operation of Bertucci's Restaurant Corp. d/b/a Bertucci's Italian Restaurant.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a bottle of Bud Light beer, for four dollars and fifty-eight cents (\$4.58). 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: September 13, 2017

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  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
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Administration, File