

Re: **Harcip, Inc.**
DBA: **Jimmy Seas Pan Pasta**
Premise: **38 Kennebec Avenue**
City/Town: **Oak Bluffs, MA 02557**
License #: **091800062**
Heard: **November 9, 2010**

DECISION

Harcip, Inc. dba Jimmy Seas Pan Pasta (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c.138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on November 9, 2010 regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Mark Kenny's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report of Investigator Mark Kenny.
 - A. Letter to the Commission from Jimmy Cipolla; and
 - B. Letter to the Commission from Simone McCarthy.

There is one (1) tape of this hearing.

Facts

1. On, June 18, 2010 at approximately 7:17 p.m., Commission Investigators investigated the business operation of Harcip, Inc. dba Jimmy Seas Pan Pasta.
2. An underage operative, working with the investigators, purchased a Bud Light bottle for \$5.00. The underage operative was not asked for identification.

Conclusion

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138, §34. As the licensee has been in business for over ten (10) years and had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Dated in Boston, Massachusetts this 2nd day of December 2010.

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
Mark Kenny
Jamie Binienda
File