

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

T P PANACY, LLC DBA BASS & BLUES SANDBAR & GRILLE
6 CIRCUIT AVE. EXT.
OAK BLUFFS, MA 02557
LICENSE#: 091800056
HEARD 4/10/2012

T P Panacy, LLC dba Bass & Blues Sandbar & Grille (the "Licensee") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, April 10, 2012, regarding alleged violations of M. G. L. c.138, §34 (1 count). Prior to the commencement of the hearing the licensee stipulated to the violation alleged in Investigator Mark Kenny's Investigative Report.

The following documents are in evidence:

1. Investigator Kenny's Investigative Report dated August 12, 2011; and
2. Licensee's Stipulation of Facts.

A. Licensee's I.D. Policy

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

FACTS

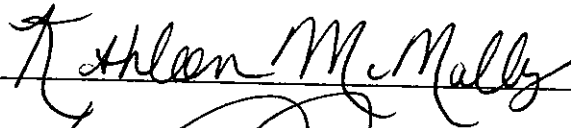
1. On Friday, August 12, 2011, at approximately 11:00 p. m., Investigators Dennis Keefe, Jan Kujawski, and Mark Kenny, investigated the business operation of T P Panacy, LLC dba Bass & Blues Sandbar & Grille to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and observed youthful looking patrons in possession of alcoholic beverages.
3. Investigators approached the youthful looking patrons and asked for proof of age.
4. A male individual produced a valid identification, but investigators observed that the picture on the id provided was not that of the individual standing in front of them.
5. The male individual was later identified as Mike Fitzgerald, of 18 Garden Terrace, Amherst, date of birth October 5, 1990, age twenty (20) years old.
6. Mr. Fitzgerald provided investigators with a Connecticut driver's license that was not him.
7. Mr. Fitzgerald stated that he was not twenty-one (21) years old.
8. Investigators identified themselves to the manager on duty, Troy, and informed him of the violation, and that a report would be submitted to the Chief Investigator for review.

CONCLUSION

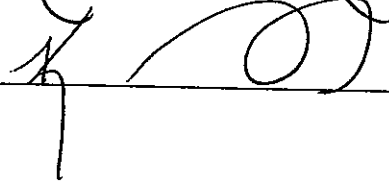
Based on the evidence, the Commission finds the licensee violated of M. G. L. c.138, §34 (1 count).
As the licensee has been in business for ten (10) years and has had no previous violations, the
Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Kim S. Gainsboro, Chairman



Dated: April 10, 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
Mark Kenny, Investigator
Michael L. Mahoney, Esq. via facsimile
Administration
File