

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
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Jean M. Lorizio, Esq.
Chairman

DECISION

**ORLEANS WATERFRONT INN, INC. D/B/A ORLEANS WATERFRONT INN
3 OLD COUNTY ROAD
ORLEANS, MA 02653
LICENSE#: 0934-00058
VIOLATION DATE: 07/20/2017
HEARING DATE: 11/07/2017**

Orleans Waterfront Inn, Inc. d/b/a Orleans Waterfront Inn (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, November 7, 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 Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Compliance Check Field Report; and
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

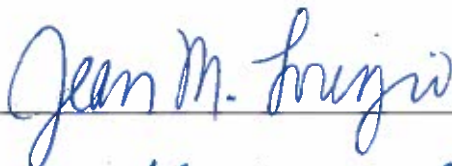
1. On Thursday, July 20, 2017, at approximately 6:28 p.m., Investigators Binienda and Velez ("Investigators") investigated the business operation Orleans Waterfront Inn, Inc. d/b/a Orleans Waterfront Inn.
2. An underage operative, working with Investigators, was served an alcoholic beverage, a bottle of Bud Light beer. The underage operative was not asked for identification.

CONCLUSION

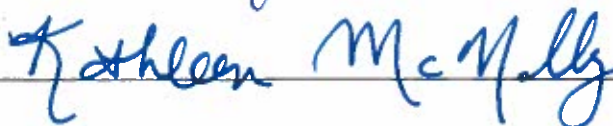
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for more than 20 years with no prior violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Kathleen McNally, Commissioner



Dated: November 8, 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
Nick Velez, Investigator
Jamie Binienda, Investigator
Administration, File