

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: 617-727-3040
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.
Chairman

DECISION

**PABST BREWING COMPANY LLC
121 INTERPARK BLVD, SUITE 300
SAN ANTONIO, TX 78216
LICENSE#: B-391
VIOLATION DATE: 11/22/2015
HEARD: 04/25/2017**

Pabst Brewing Company LLC (the "Licensee" or "Pabst") holds an agent broker license issued pursuant to M.G.L. c. 138, § 18A, and is a Certificate of Compliance holder in Massachusetts. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, April 25, 2017, regarding an alleged violation of M.G.L. c. 138, § 2 Unlawful sale or delivery of alcoholic beverages. Prior to the start of the hearing, the Licensee stipulated to the violation in Investigator Hooton's report.

The following documents are in evidence:

1. Investigator Hooton's Investigative Report with copy of sales receipt;
2. Licensee's Stipulation of Facts;
3. Receipts from Blanchard's, Kappy's, Boston Liquors;
4. Receipts from Boston Liquors; and
5. Photo of Pabst Beer Cooler Event.

A. Declaration of Pabst General Counsel, Adam Sher.

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

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

FINDINGS OF FACT

1. The ABCC Investigations and Enforcement Division received a complaint from Boston Police Department Sergeant/Detective Robert Mulvey regarding an event held on Sunday, November 22, 2015 at 19 Yawkey Way, Boston, to which free beer was delivered and supplied to attendees.
2. Detective Mulvey stated that the event, known as "47 Secret Walks", was hosted by Ryan Johnson, who is employed by Twins Enterprise, Inc. 47 Brands is a Twins Enterprise Company. Mr. Johnson did not apply for and was not issued a one day license to sell alcohol by the City of Boston.
3. 47 Brands is an entity which sells sports insignia caps and other sports memorabilia.

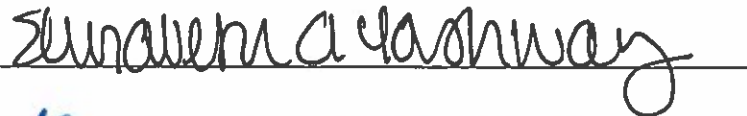
4. On Wednesday, March 23, 2016, Investigators Hooton and Carey interviewed Ryan Johnson at Twins Enterprise regarding the complaint. Johnson stated to Investigators that he was the representative in charge on the night of the 47 Secret Walks event in which free Pabst beer was given to attendees.
5. Investigators asked Mr. Johnson who supplied the Pabst beer and how many cases were delivered. Johnson stated that Chris Trott, a marketing representative from Pabst, dropped off approximately 20 cases for the event. Johnson was not invoiced or charged for the product. Johnson also stated that Mr. Trott did not stay for the event.
6. On Tuesday, April 5, 2016, Chris Trott from Pabst Beer came to the ABCC offices to speak with Investigators. Trott informed Investigators that he was a salesman/marketing representative for Pabst. Trott stated he bought approximately 20-22 cases from several retail package stores, and paid for the beer with a Pabst company credit card. Trott transported the beer in his personal vehicle and delivered the beer to the event held November 22, 2015. He stated that he did not stay at the event.
7. Trott produced receipts from three M.G.L. c. 138, § 15 package stores where he had purchased the beer for this event. Trott stated to Investigators that he would be reimbursed for these purchases by Pabst.
8. Investigators informed Mr. Trott of the violation and that a report would be filed with the Chief Investigator for further action.
9. Investigator Hooton contacted Justin Burden, a legal counsel for Pabst to confirm that Mr. Trott had been reimbursed for the beer purchases. On May 24, 2016, via email, Investigator Hooton received confirmation from Pabst counsel of its reimbursement to Trott of the donated beer.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 2 Unlawful sale or delivery of alcoholic beverages. 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

Elizabeth Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: April 26, 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.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Tim Hooton, Investigator
Jack Carey, Investigator
Adam Gershenson, Esq. via email
Administration, File