

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

BABI, LLC DBA FAIRWAYS BAR & BANQUET
303 CRANE AVENUE
PITTSFIELD, MA 01201
LICENSE#: 097400009
VIOLATION DATE: 05/30/2014
HEARD: 08/26/2014

Babi, LLC dba Fairways Bar & Banquet (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, August 26, 2014, regarding an alleged violation of:

- 1) 204 CMR 2.16 Failure to provide a numbered printed receipt when charging a cover charge.
- 2) 204 CMR 2.16 Failure to post an admission fee outside of the licensed premise.
- 3) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, To Wit: C.138 §23 – Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22a (2 Counts).

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
 2. Investigator Temple's Investigative Report dated May 30, 2014;
- A. Printed Door Receipts; and
B. Paper Sign, "\$5.00 cover charge; 21+ Valid ID Required."

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

FACTS

1. On Friday, May 30, 2014, at approximately 9:45 p.m., Chief Investigator Mahony and Investigator Temple, along with members of the Pittsfield Police Department, Pittsfield Probation, and Pittsfield Fire Department, conducted an investigation of the business operation of Babi, LLC dba Fairways Bar & Banquet to determine the manner in which its business was being conducted.
2. Investigators spoke to the doorman on duty, who stated that there was a cover charge. Investigators asked where the cover charge was posted, and he stated that it was not posted.

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Investigators then asked if the doorman provided customers with a written or printed receipt for the cover charge. He replied that he did not provide any receipt.

3. Investigators entered the premises.
4. Upon entry to the building, investigators observed that there was a cover charge for admission into the licensed premises.
5. Investigators also observed that the Licensee had failed to post the cover charge outside the licensed premises, and they did not provide a numbered printed receipt.
6. Ms. Donahue stated that the cover charge was AMOUNT.
7. Investigators informed Ms. NAME of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated:

- 1) 204 CMR 2.16 Failure to provide a numbered printed receipt when charging a cover charge.
- 2) 204 CMR 2.16 Failure to post an admission fee outside of the licensed premises.
- 3) 204 CMR 2.05 (2) Permitting an Illegality on the Licensed Premises, To Wit: C.138 §23 – Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22a (2 Counts).

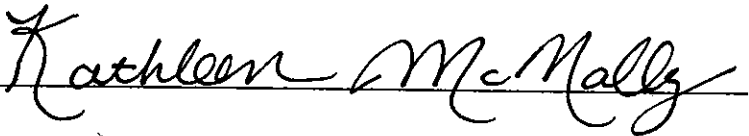
On the first violation, 204 CMR 2.16 Failure to provide a numbered printed receipt when charging a cover charge, the Commission issues a **WARNING**.

On the second violation, 204 CMR 2.16 Failure to post an admission fee outside of the licensed premises, the Commission issues a **WARNING**.

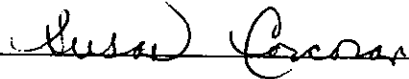
On the third violation, 204 CMR 2.05 (2), to wit: C.138 §23 – Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22a (2 Counts), the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: August 27, 2014

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
Christopher Temple, Investigator
Administration
File