

*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**

**WATER STREET RESTAURANT GROUP, LLC DBA THE WATERFRONT**  
**170 WATER ST**  
**PLYMOUTH, MA 02360**  
**LICENSE#: 098400101**  
**VIOLATION DATE: 06/04/2013**  
**HEARD: 09/03/2013**

Water Street Restaurant Group, LLC dba The Waterfront (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, September 3, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: 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 dated June 4, 2013;
2. Licensee's Stipulation of Facts;
3. TIPS Certificate for Harrison J. Sims;
4. Affidavit of Harrison J. Sims; and
5. Licensee's Employee Handbook.

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

FACTS


1. On Tuesday, June 4, 2013, at approximately 7:15 p.m., Investigators Kenny and Velez conducted an investigation of the business operation of Water Street Restaurant Group, LLC dba The Waterfront.
2. An underage operative working with investigators was in possession of a Budweiser Light draft 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: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Therefore, 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.**

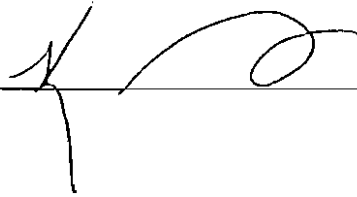
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: September 3, 2013

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
- Nicholas Velez, Investigator
- Mark Kenny, Investigator
- Richard R. Cornetta Jr., Esq. via facsimile 508-528-5555
- Administration
- File