



*Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
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*Boston, Massachusetts 02114*  
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**Jean M. Lorizio, Esq.**  
Chairman

**DECISION**

**BACKSTREET HOTEL INC. D/B/A GIFFORD HOUSE INN**  
**11 CARVER STREET**  
**PROVINCETOWN, MA 02657**  
**LICENSE#: 1004-00123**  
**VIOLATION DATE: 8/29/2018**  
**HEARING DATE: 10/16/2018**

Backstreet Hotel Inc. d/b/a Gifford House Inn (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, October 16, 2018, 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.
  - A. TIPS Certificates (3); and
  - B. Licensee's Alcoholic Beverage Service Policy, 10/1/2018.

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

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

**FACTS**

1. On Wednesday, August 29, 2018, at approximately 6:03 p.m., Investigators Binienda and Velez ("Investigators") investigated the business of Backstreet Hotel Inc. d/b/a Gifford House Inn.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a bottle of Bud Light beer, for five dollars (\$5.00). The underage operative was not asked for identification.

### CONCLUSION

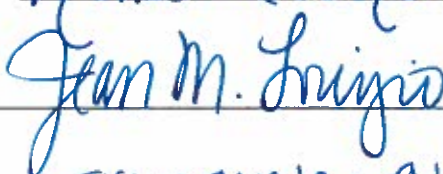
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the Licensee has been in business for over 20 years with only one prior violation which occurred more than 10 years ago, the Commission issues a **WARNING**.

### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner



Jean M. Lorizio, Chairman



Elizabeth A. Lashway, Commissioner



Dated: October 17, 2018

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  
Nicholas Velez, Investigator  
Jamie Binienda, Investigator  
Mark Dickison, Esq. via email  
Administration, File