



*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**

**NOR'EAST BEER GARDEN, INC. DBA NOR'EAST BEER GARDEN**  
**206 COMMERCIAL ST #1B**  
**PROVINCETOWN, MA 02657**  
**LICENSE#: 100400151**  
**VIOLATION DATE: 06/19/2013**  
**HEARD: 12/17/2013**

Nor'east Beer Garden, Inc. dba Nor'east Beer Garden (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, December 17, 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. Licensee's Stipulation of Facts; and
2. Investigator Velez's Compliance Check Field Report dated June 19, 2013.
  - A. Licensee's New Protocol to Employees for Serving Alcoholic Beverages.

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

**FACTS**

1. On Wednesday, June 19, 2013, at approximately 7:09 p.m., Investigators Binienda and Velez conducted an investigation of the business operation of Nor'east Beer Garden, Inc. dba Nor'east Beer Garden.
2. An underage operative, working with investigators, purchased an alcoholic beverage for five dollars (\$5.00). The underage operative was not asked for identification.

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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 *Kathleen McNally*

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

Susan Corcoran, Commissioner *Susan Corcoran*

Dated: December 20, 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  
Jamie Binienda, Investigator  
Administration  
File