

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

PEPE'S WHARF, INC. DBA PEPE'S WHARF
371-73 COMMERCIAL STREET
PROVINCETOWN, MA 02657
LICENSE#: 100400133
HEARING HELD: NOVEMBER 15, 2011

Pepe's Wharf, Inc. dba Pepe's Wharf (the "Licensee") holds an all-alcoholic beverages license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 15, 2011, regarding an alleged violation of M.G.L. c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Binienda's Compliance Check Field Report dated June 25, 2011; and
2. Licensee's Stipulation of Facts.

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

FACTS

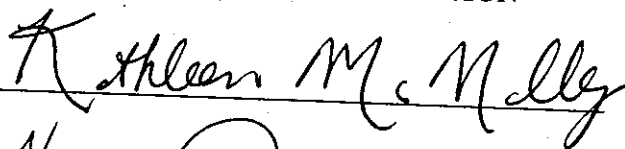
1. On June 25, 2011, at approximately 7:10 p.m., Commission Investigators Doyle and Bailey conducted an investigation of the licensed premises operating as a restaurant, Pepe's Wharf, Inc. dba Pepe's Wharf.
2. An underage operative, working with the Investigators, purchased an alcoholic beverage, a draft of Miller Lite beer. The underage operative was not asked for identification.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. 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



Kim S. Gainsboro, Chairman



Dated: January 3, 2012

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
Jamie Binienda, Investigator
Cristina Serrano, Esq. via facsimile
Administration
File