



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

TOBIKO PTOWN LLC D/B/A WATERFORD INN & SPINDLER'S
386 COMMERCIAL STREET
PROVINCETOWN, MA 02657
LICENSE#: 07029-HT-1004
VIOLATION DATE: 6/22/2023
HEARD: 1/09/2024

Tobiko Ptown LLC d/b/a Waterford Inn & Spindler's ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, January 9, 2024, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing the Licensee stipulated to the facts alleged in Investigators Binienda and Velez's Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Binienda and Velez's Minimum Purchase Age Compliance Check Field Report, 6/22/2023;
2. Licensee's Stipulation of Facts;
3. ABCC Licensing Authority Certification, Transfer of License Approved, 8/26/2022.

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

FINDINGS OF FACT

1. On Thursday, June 22, 2023, at approximately 5:40 p.m., Investigators Velez and Binienda ("Investigators") conducted a compliance check at Tobiko Ptown LLC d/b/a Waterford Inn & Spindler's.
2. An underage operative, working under the supervision of Investigators, was served an alcoholic beverage, one Corona Extra draft beer. The underage operative was not asked for identification.
3. The Licensee has held a license under M.G.L. c. 138, § 12 since 2022 with no prior violations.

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. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah A. Baglio, Commissioner Deborah A. Baglio

Crystal Matthews, Commissioner Crystal Matthews

I, the undersigned, hereby certify that I have reviewed the hearing record.

Jean M. Lorizio, Chairman Jean M. Lorizio

Dated: March 5, 2024

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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2023-000147-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jamie Binienda, Investigator
Nicholas Velez, Investigator
Administration, File