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Chairman

*Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
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DECISION

**NORMANDY INC. D/B/A NORMANDY LOUNGE & HOTEL
16 BROADWAY
SALISBURY, MA 01952
LICENSE#: 1066-00008
VIOLATION DATE: 05/27/2017
HEARING DATE: 08/15/2017**

Normandy Inc. d/b/a Normandy Lounge & Hotel¹ (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the "Commission" or "ABCC") held a hearing on Tuesday, August 15, 2017, 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 Bailey's Report.

The following documents are in evidence:

1. Investigator Bailey's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.
 - A. Licensee's Rules for Alcohol Service, a/k/a 2017 Upper Deck "Stuff to Know";
 - B. Notice to Patrons to Present Identification;
 - C. Town of Salisbury's Compliance Check Field Reports; and
 - D. TIPS Certification for Bartender, S. Spero.

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

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

¹ The manager of record referred to Licensee as "Upper Deck" or "Upper Deck Salisbury"; however, ABCC files do not list that appellation as the d/b/a. The Licensee is reminded to file a Change of D/B/A application (no fee required for this transaction.) See <http://www.mass.gov/abcc/retailamend.htm>

FACTS

1. On Saturday, May 27, 2017, at approximately 2:17 p.m., Investigators Doyle and Bailey ("Investigators") investigated the business operation of Normandy Inc. d/b/a Normandy Lounge & Hotel.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a can of Bud Light beer for four dollars and twenty-five cents (\$4.25). 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. Therefore, the Commission **suspends the license for a period of 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

Jean M. Lorizio, Chairman

Kathleen McNally, Commissioner

Dated: August 16, 2017

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
Rose Bailey, Investigator
Brad Doyle, Investigator
Mail to: PO Box 5145, Salisbury MA 01952
Administration, File