

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

BUCA RESTAURANTS INC. D/B/A BUCA DI BEPPO
7 BOSTON TURNPIKE
SHREWSBURY, MA 01545
LICENSE#: 111600001
VIOLATION DATE: 06/12/2013
HEARD: 09/10/2013

Buca Restaurants Inc. d/b/a Buca Di Beppo (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, September 10, 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 Bailey's Report.

The following documents are in evidence:

1. Investigator Bailey's Compliance Check Field Report dated June 12, 2013; and
2. Licensee's Stipulation of Facts;
3. Compliance Check Guidelines;
4. Underage Operative's Release to Conduct Compliance Check; and
5. Photograph of Underage Operative.

A. Licensee's Binder of Alcohol Training Policies, Procedures, and Regulations for Employees.

There is one (1) audio recording of this hearing and three (3) witnesses testified.

FACTS

1. On Wednesday, June 12, 2013, at approximately 7:15 p.m., Investigators Doyle and Bailey conducted an investigation of the business operation of Buca Restaurants Inc. d/b/a Buca Di Beppo.
2. An underage operative, working with investigators, entered the premises and sat at the bar.
3. The bartender served the underage operative a bottle of Budweiser Light beer, for four dollars and fifty cents (\$4.50).
4. The underage operative was not asked for identification.
5. At the hearing before the Commission, the Licensee explained the facts surrounding the service to the minor.

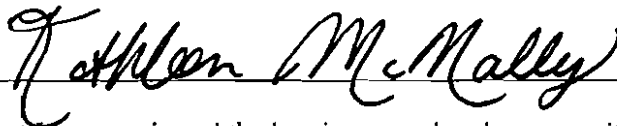
6. The Licensee presented its comprehensive and detailed alcohol training policies, procedures, and regulations for its alcohol safety program for all employees.
7. Mr. Roger Redevski, a Corporate Officer of the Licensee, travelled from Pittsburgh, Pennsylvania to attend the Commission hearing.
8. Mr. Redevski testified before the Commission that he travelled this distance to attend the hearing because the Licensee considers this violation to be extremely serious.

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. As the licensee has had no previous violations, the Commission issues a **WARNING**.

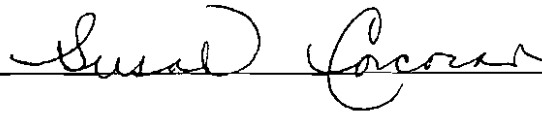
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Susan Corcoran, Commissioner



Dated: September 16, 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
Brad Doyle, Investigator
Rose Bailey, Investigator
Matthew J. Fogelman, Esq. via facsimile 617-505-1540
Administration
File