



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

POLLY'S RESTAURANT INC. DBA JD'S
1 PINELAND AVE.
SHREWSBURY, MA 01545
LICENSE#: 111600025
VIOLATION DATE: 06/20/2014
HEARD: 08/26/2014

Polly's Restaurant Inc. dba JD's (the "Licensee" or "JD's") 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, August 26, 2014, regarding an alleged violation of M.G.L. c.138 §23 - Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special permit under §22A (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Keefe's Violation Report dated June 20, 2014.

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

FACTS

1. On Friday, June 20, 2014, at approximately 6:25 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of Polly's Restaurant Inc. dba JD's to determine the manner in which its business was being conducted.
2. While investigators were conducting store surveillance at an adjacent package store, Edgemere Liquors, they observed a female walk from the direction of JD's and enter into the package store.
3. Investigators observed this female exit the package store with a plastic bag containing alcoholic beverages, and then she walked into JD's.
4. Investigators entered the premises and observed the female hand the plastic bag of alcoholic beverages to the female bartender on duty, Michelle Decaire.
5. Investigators identified themselves to Ms. Decaire, and asked her to hand over the plastic bag.
6. Investigators observed the plastic bag contained one 750 ML bottle of Stoli Raspberry Vodka.
7. Ms. Decaire stated to investigators that she run out of the liquor and had sent Norma, a daytime bartender who works at JD's and was off duty at the time, to purchase more vodka.
8. Investigators informed Ms. Decaire of the violation and that a report would be filed with the Chief Investigator for review.

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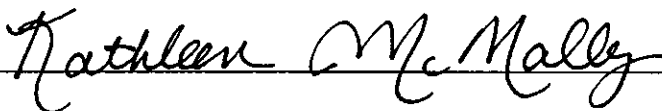
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CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138 §23 - Sale of alcoholic beverages other than those purchased from a licensee under §18 or §19 or from a holder of a special permit under §22A (1 count). As the licensee has been in business for more than ten (10) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Susan Corcoran, Commissioner



Dated: August 27, 2014

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
Jan Kujawski, Investigator
Dennis Keefe, Investigator
Administration
File