

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

DECISION

AOD, INC. DBA ON THE HILL TAVERN
499 BROADWAY
SOMERVILLE, MA 02143
LICENSE#: 113000014
VIOLATION DATE: 06/04/2013
HEARD: 09/10/2013

AOD, Inc. dba On the Hill Tavern (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 Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Velez's Compliance Check Field Report dated June 12, 2013; and
3. Photograph of Underage Operative.

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

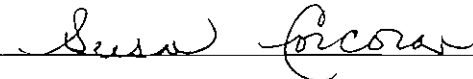
FACTS

1. On Wednesday, June 12, 2013, at approximately 6:46 p.m., Investigators Temple and Velez conducted an investigation of the business operation of AOD, Inc. dba On the Hill Tavern.
2. An underage operative working with investigators purchased an alcoholic beverage, a pint of Budweiser Light beer, for two dollars and fifty cents (\$2.50). 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: 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 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

Susan Corcoran, Commissioner 

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

Kathleen McNally, Commissioner 

Dated: September 11, 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
 Nicholas Velez, Investigator
 Christopher Temple, Investigator
 Tara Kelleher, Investigator
 Administration
 File