



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

Jean M. Lorizio, Esq.
Chair

DECISION

**O'BRIEN'S CORNER INC. D/B/A O'BRIENS
1082 PAGE BLVD.
SPRINGFIELD, MA 01104
LICENSE#: 00108-RS-1226
VIOLATION DATE: 7/05/2019
HEARD: 1/14/2020**

O'Brien's Corner Inc. d/b/a O'Brien's (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("Commission" or "ABCC") held a hearing on Tuesday, January 14, 2020, regarding an alleged violation of M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (2 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Di Cicco's Report.

The following documents are in evidence:

1. Investigator Di Cicco's Investigative Report;
 2. Licensee Stipulation of Facts;
 3. Copy of License Transfer Approval, 8/22/1985;
 4. Copy of Late Renewal Approved 12/31/2012;
 5. ABCC Decision, 6/3/2002;
 6. Copy of Fraudulent Connecticut Driver's License;
 7. RMV Printout for Underage Female.
- A. Employee TIPS Certification;
B. Employee Email, 1/13/2020.

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

FINDINGS OF FACT

1. On Friday, July 5, 2019, at approximately 11:45 p.m., Investigators Keefe and Di Cicco ("Investigators") conducted an investigation of the business operation of O'Brien's Corner Inc. d/b/a O'Brien's to determine the manner in which its business was being conducted.

2. Investigators observed two youthful appearing individuals, in possession of alcoholic beverages, seated at the bar. Investigators identified themselves and asked to see proof of legal age.
3. Underage #1, actual date of birth 3/10/1999 (age 20), was in possession of a Bud Light beer. She presented to Investigators a fraudulent Connecticut driver's license in her own name with a different birth date. She informed Investigators that she had presented the fraudulent driver's license to the bartender.
4. Underage #2, actual date of birth 9/21/1998, (age 20), was in possession of a mixed drink, vodka and cranberry. She stated to Investigators that she was not twenty-one years of age and that she was not asked for any identification when she was served her drink.
5. Investigators made contact with the bartender on duty, Kimberly Clemons. Investigators informed Clemons of the violation and that a report would be filed with the Chief Investigator for review.
6. Mrs. Ferris, the Licensee, stated that all servers are TIPS certified.
7. Mrs. Ferris testified that she took over the business in 2012.
8. The Licensee has held a license under M.G.L. c. 138, § 12 since 2012 with no prior violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (2 counts). The Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner



Jean M. Lorizio, Chairman



Dated: January 16, 2020

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
Kyle E. Gill, Esq., Associate General Counsel
Joe Di Cicco, Investigator
Dennis Keefe, Investigator
Administration, File