

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

Jean M. Lorizio, Esq. Chairman

#### **DECISION**

PALMER RIVER GOLF CLUB INC. D/B/A SWANSEA COUNTRY CLUB 299 MARKET STREET SWANSEA, MA 02777

LICENSE#: 00011-RS-1258 VIOLATION DATE: 4/10/2023

HEARD: 6/27/2023

Palmer River Golf Club Inc. d/b/a Swansea Country Club ("Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, June 27, 2023, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigators Keefe & Fleming's Report.

The following documents are in evidence:

- 1. Investigators Keefe & Fleming's Minimum Purchase Age Compliance Check Field Report;
- 2. ABCC Form 43, License Application Approval, 10/26/1993;
- 3. ABCC Decision, 3/25/1997;
- 4. Licensee's Stipulation of Facts;
- 5. Photographs (5) of Memorandum to Staff Posted Throughout the Licensed Premises re: New Policy.

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

### **FINDINGS OF FACT**

- 1. On Monday, April 10, 2023, at approximately 6:48 p.m., Investigators Fleming and Keefe ("Investigators") conducted a compliance check at Palmer River Golf Club Inc. d/b/a Swansea Country Club.
- 2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, one bottle of Bud Light beer, for four dollars and seventy-five cents (\$4.75). The underage operative was not asked for identification.

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- 3. Lawrence Doyle, Licensee, appeared at the Commission hearing. Mr. Doyle testified that all employees are TIPS certified and had been prior to the compliance check. Since this incident the Licensee has instituted a new policy requiring employees request identification from any patron who appears to be under 40 years of age. The new policy was reviewed with each employee individually and posted throughout the licensed premises.
- 4. Nathan Marquard, Food and Beverage Manager, also appeared at the Commission hearing.
- 5. The Licensee has held a license under M.G.L. c. 138, § 12 since 1993.

### **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. Ch. 138, § 34 Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age. Therefore, the Commission issues a **WARNING.** 

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman	Jehn M. Forgio
Crystal Matthews, Commissioner	Cycl Matte
Deborah A. Baglio, Commissioner	Deborar a Baglio

Dated: June 29, 2023

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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Local Licensing Board cc:

Frederick G. Mahony, Chief Investigator Kyle E. Gill, Esq., Associate General Counsel Dennis Keefe, Investigator

Sean Fleming, Investigator

Sgt. Jonathan Boyd, Swansea Police Department

Al DeNapoli, Esq. Administration, File