DECISION

BEACHSIDE MANAGEMENT LLC D/B/A WELLFLEET BEACHCOMBER
1120 CAHOON HOLLOW
WELLFLEET, MA 02667
LICENSE#: 00001-1348
VIOLATION DATE: 7/19/2019
HEARD: 11/12/2019

Beachside Management LLC d/b/a Wellfleet Beachcomber (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, November 12, 2019, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an Illegality on the licensed premises, to wit: M.G.L. Ch. 138, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (1 count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Smith's Report.

The following documents are in evidence:

1. Investigator Smith's Investigative Report;
2. Licensee Stipulation of Facts;
3. Copy of Fraudulent Connecticut Driver's License;
4. Copy of Licensee's Transfer Application approved 9/20/2006.

A. Doorman's Job Description.

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

FINDINGS OF FACT

1. On Friday, July 19, 2019, at approximately 12:20 a.m., Investigators Binienda and Smith ("Investigators") conducted an investigation of the business operation of Beachside Management LLC d/b/a Wellfleet Beachcomber to determine the manner in which its business was being conducted.

2. Investigators entered the licensed premises and observed a youthful appearing female individual in possession of an alcoholic beverage. Investigators identified themselves and asked to see proof of legal age.
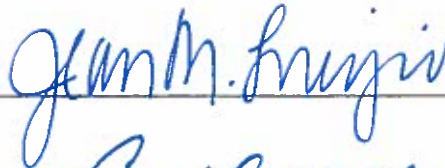
3. Underage #1, actual date of birth 8/19/1999 (age 19), was in possession of a Bacardi rum and Coke® mixed drink. She informed Investigators that she presented a fraudulent Connecticut driver's license to gain entry to the licensed premises. The Underage had no other valid form of identification with her.

4. Investigators contacted the Wellfleet Police Department. Responding Officer Jeremiah Valli was able to verify the identification that the Underage #1 provided. Officer Valli arranged for safe transportation for the minor.

5. Investigators spoke with the manager of the restaurant, Dan Murray, and the door manager, William Melody. Mr. Melody acknowledged that he had checked the Underage's false identification at the door and had allowed her into the premises.

6. Investigators informed Mr. Murray of the violation and that a report would be filed with the Chief Investigator for further action.

7. The Licensee has held a license under M.G.L. c. 138, § 12 since 2006 with no prior violations.

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, § 34C Possession of an alcoholic beverage by a person under twenty-one years of age (1 count). The Commission issues a **WARNING.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman _____

Crystal Matthews, Commissioner _____

Dated: November 12, 2019

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
Kyle E. Gill, Esq., Associate General Counsel
Nicole Smith, Investigator
Jamie Binienda, Investigator
Bruce A. Bierhans, Esq.
Administration, File