

*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**

**OTB Acquisition, LLC dba On the Border**  
**33 Border Way**  
**West Springfield, MA 01089**  
**License #: 141800035**  
**Heard: September 20, 2011**

OTB Acquisition, LLC dba On the Border (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 20, 2011, regarding an alleged violation of M.G.L. c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Paul Capurso's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report dated May 4, 2011.

A. Table of Exhibits.

There is one (1) tape of this hearing.

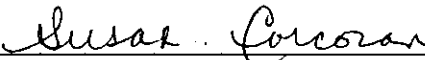
**FACTS**

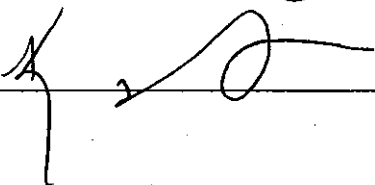
1. On, July 25, 2011 at approximately 6:43 p.m., Commission Investigators investigated the business operation OTB Acquisition, LLC dba On the Border.
2. An underage operative, working with the investigators, purchased a Budweiser bottle for three dollars and ninety cents (\$3.90). The underage operative was not asked for identification.
3. Administrative review of the file reveals the licensee has been in business for twelve (12) years and has no prior violations.

**CONCLUSION**

Based on the evidence, the Commission finds the licensee violated M.G.L. c. 138, §34. 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 

Kim S. Gainsboro, Chairman 

Dated: November 1, 2011

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  
Paul Capurso, Investigator  
Administration  
File