

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

Jean M. Lorizio, Esq.
Chairman

DECISION

**BLUE ELEPHANT RESTAURANT LLC D/B/A BLUE ELEPHANT
2000 BOSTON ROAD
WILBRAHAM, MA 01095
LICENSE#: 04712-RS-1472
VIOLATION DATE: 4/26/2023
HEARD: 9/12/2023**

Blue Elephant Restaurant LLC d/b/a Blue Elephant (“Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (“ABCC” or “Commission”) held a remote hearing via Microsoft Teams on Tuesday, September 12, 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 Guarino and Fleming’s Minimum Purchase Age Compliance Check Field Report.

The following documents are in evidence:

1. Investigators Guarino and Fleming’s Minimum Purchase Age Compliance Check Field Report, 4/26/2023;
2. ABCC Approval Cover Sheet, New License Approved 3/1/2019;
3. Licensee’s Stipulation of Facts.

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

FINDINGS OF FACT

1. On Wednesday, April 26, 2023, at approximately 7:36 p.m., Investigators Fleming and Guarino (“Investigators”) conducted a compliance check at Blue Elephant Restaurant LLC d/b/a Blue Elephant.
2. An underage operative, working under the supervision of Investigators, purchased an alcoholic beverage, a 12-ounce bottle of Bud Light beer, for four dollars (\$4.00). The underage operative was not asked for identification.
3. Attorney Daniel O’Connell, Licensee, appeared at the Commission hearing along with the employee who sold the alcoholic beverage to the underage operative. Atty. O’Connell

testified that the employee had already received TIPS training but has been retrained since this incident.

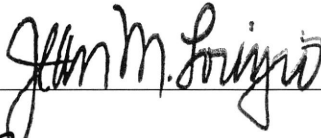
4. The Licensee has held a license under M.G.L. c. 138, § 15 since 2019 with no prior violations.

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

ALCOHOLIC BEVERAGES CONTROL COMMISSION

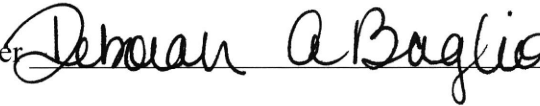
Jean M. Lorizio, Chairman _____



Crystal Matthews, Commissioner _____



Deborah A. Baglio, Commissioner _____



Dated: September 13, 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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2023-000097-ad-enf

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Caroline Guarino, Investigator
Sean Fleming, Investigator
Daniel O'Connell, Esq.
Administration, File