

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

ROUND ROBIN OF WILBRAHAM LLC DBA RED ROBIN GOURMET BURGERS
2031 BOSTON RD
WILBRAHAM, MA 01095
LICENSE#: 147200052
HEARD: 10/01/2013

Round Robin of Wilbraham LLC dba Red Robin Gourmet Burgers (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, October 1, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age.

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kenny's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
 2. Investigator Kenny's Compliance Check Field Report dated May 20, 2013; and
 3. Photo of Underage Operative.
- A. Licensee's Alcohol Policy.

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


FACTS

1. On Monday, May 20, 2013, at approximately 5:38 p.m., Investigators Teehan and Kenny conducted an investigation of the business operation of Round Robin of Wilbraham LLC dba Red Robin Gourmet Burgers.
2. An underage operative working with investigators purchased an alcoholic beverage, a container of beer, for three dollars and forty-five cents (\$3.45). The underage operative was not asked for identification.

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: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for two (2) days of which two (2) 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 

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner 

Dated: October 1, 2013

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
Mark Kenny, Investigator
Michael Teehan, Investigator
Thomas S. Vangel, Esq. via facsimile 617-210-7072
Administration
File