

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

June 25, 2014

**ROUND ROBIN OF WILBRAHAM LLC DBA RED ROBIN GOURMET BURGERS**  
**2031 BOSTON ROAD**  
**WILBRAHAM, MA 01095**  
**LICENSE#: 147200052**  
**VIOLATION DATE: 02/26/2014**  
**HEARD: 06/24/2014**

After a hearing on June 24, 2014, the Commission finds Round Robin of Wilbraham LLC dba Red Robin Gourmet Burgers in 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.

The Commission **suspends the licensee's license for a total of four (4) days to be served. The suspension shall commence on Wednesday, August 13, 2014, and terminate on Saturday, August 16, 2014.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, August 13, 2014 at 9:00 A.M. It will be returned to the licensee Sunday, August 14, 2014.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Thomas S. Vangel, Esq. via facsimile 617-482-3868  
File

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*Steven Grossman*  
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**DECISION**

**ROUND ROBIN OF WILBRAHAM LLC DBA RED ROBIN GOURMET BURGERS**  
**2031 BOSTON ROAD**  
**WILBRAHAM, MA 01095**  
**LICENSE#: 147200052**  
**VIOLATION DATE: 02/26/2014**  
**HEARD: 06/24/2014**

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, June 24, 2014, 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 Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Keefe's Investigative Report dated February 26, 2014.

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

**FACTS**

1. On Wednesday, February 26, 2014 at approximately 6:32 p.m., Investigators Kujawski and Keefe 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 a bottle of Budweiser Light beer for three dollars and seventy-two cents (\$3.72). 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 four (4) days of which two (2) days will be served and 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.**

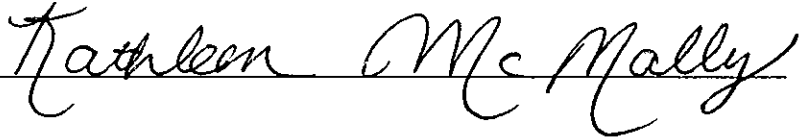
**By decision dated October 1, 2013, the Commission had previously ordered a two (2) day license suspension but had held the suspension in abeyance for a period of two (2) years provided no further violations occurred. Based on the violation found above, the licensee violated the conditions of that two (2) day suspension being held in abeyance. The Commission hereby orders that suspension to be served on and after the two (2) day suspension. The licensee will serve a total four (4) days.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



Kathleen McNally, Commissioner



Dated: June 25, 2014

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  
Dennis Keefe, Investigator  
Jan Kujawski, Investigator  
Thomas S. Vangel, Esq. via facsimile 617-482-3868  
Administration  
File