

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

Carter Realty Group, Inc. dba Brooks Pub
251-253 Lincoln Street
Worcester, MA 01605
License#: 1508000083
Heard: 04/05/2011

Carter Realty Group, Inc. dba Brooks Pub (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, April 5, 2011, regarding an alleged violation of M.G.L. c.138, §23. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Rose Egan Bailey's Report;
3. All Star Liquors Violation Report;
4. One (1) bottle of Seagram's VO 1.75L, one (1) bottle Jose Cuervo Tequila 1.75L, one (1) bottle Captain Morgan Rum 1.75L; and
5. One (1) bottle of 1.75L Jack Daniels, one (1) bottle 1L Jack Daniels and one (1) funnel.

There is one (1) tape of this hearing.

FACTS

1. On Thursday, December 23, 2010 at approximately 7:10p.m., Commission Investigators Keefe, Kujawski and Bailey inspected the business operation of Carter Realty Group, Inc. dba Brooks Pub to address a complaint regarding the illegal purchase of alcoholic beverages.
2. The investigators identified themselves to a male bartender on duty and asked to speak with the owner.
3. The investigators found one (1) bottle of 1.75L Jack Daniels, one (1) bottle of Jack Daniels 1L and one (1) funnel. (Ex 5)
4. The investigators found two (2) bottles with price stickers affixed to the exterior. One (1) bottle of Seagram's VO 1.75L and one (1) bottle of Jose Cuervo Tequila 1.75L. (Ex 4)
5. The investigators also found one (1) bottle of Captain Morgan Rum 1.75L in a brown paper bag with specific print on the outside. (Ex 4)

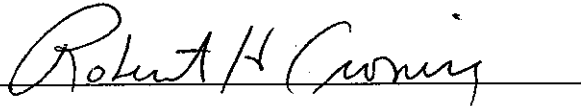
6. Administrative review of the file indicates this was the first violation by the licensee.

CONCLUSION

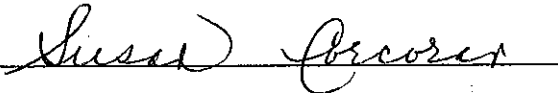
Based on the evidence, the commission finds the licensee violated M.G.L. Ch. 138 §23 (3 counts) and 26 U.S.C. §5301 (1 count). The Commission **suspends the license for five (5) days of which five (5) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner



Susan Corcoran, Commissioner



Dated: June 28, 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
Rose Bailey, Investigator
File