



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

OMEGA NATIONAL INC. DBA MARDI GRAS OXFORD
139 SOUTHBRIDGE RD. RTE. 56
OXFORD, MA 01537
LICENSE#: 094400015
VIOLATION DATE: 03/13/2014
HEARD: 08/12/2014

Omega National Inc. dba Mardi Gras Oxford (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, August 12, 2014, regarding an alleged violation of Ch. 138, §34 – Sale and delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Temple's Violation Report dated March 13, 2014.

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

FACTS

1. On Thursday, March 13, 2014 at approximately 10:15 p.m., Investigator Temple entered the premises of Omega National Inc. dba Mardi Gras Oxford in an undercover capacity to determine the manner in which its business was being conducted.
2. At approximately 10:25 p.m., Investigator Temple observed a female bartender, later identified as Chelsea Lewis actual DOB [REDACTED] (age 20), bring over two shots to an unidentified male patron at the bar. Ms. Lewis then went to the bar, poured another shot and brought this third shot over to the bar. Ms. Lewis, the male patron and an employed dancer each took possession of a shot and consumed the shot.
3. At approximately 10:35 p.m., Investigator Temple observed Ms. Lewis take possession of a bottle of Ciroc Vodka at the top of the bar and mix the alcoholic beverage into a glass with a can of sugar free Red Bull energy drink. Ms. Lewis then inserted a black straw into the glass and consumed the alcoholic beverage.

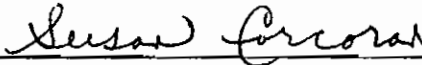
4. Investigator Keefe then entered the licensed premises to inform the manager of the above referenced violation. At approximately 10:37 p.m., while Investigator Keefe waited for the manager, Investigator Temple observed Ms. Lewis consume more from the glass containing an alcoholic beverage.
5. The manager on duty, later identified as Bobby Downes, called Ms. Lewis over and asked her if she had consumed an alcoholic beverage, to which Ms. Lewis stated that she did not. Ms. Lewis stated that maybe it was pineapple juice.
6. Investigator Keefe informed both Mr. Downes and Ms. Lewis that Ms. Lewis was observed pouring the alcoholic beverage and reminded her of the importance of being honest with the Investigators. Mr. Downes asked Ms. Lewis again if she had consumed any alcoholic beverages, to which this time she responded "I had two shots earlier".
7. Investigators informed Mr. Downes that a violation report would be submitted to the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated . Ch. 138, §34 – Sale and delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 count). 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.**

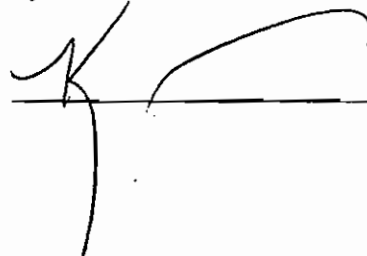
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: August 12, 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
Administration
File