

Re: Reilly Enterprises Group, Inc.
d.b.a.: The Banner Pub aka Hotel Thomas
Premise: 167 Union Street
City/Town: Rockland, MA 02370
Heard: August 4, 2009

DECISION

A Commission hearing was held to determine whether Reilly Enterprises Group, Inc. d.b.a. The Banner Pub aka Hotel Thomas violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138, §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count).

The licensee stipulated to the Rockland Police Department's Compliance Check Field Report and to the A.B.C.C. Investigator's report. Investigator Caroline Wilichoski testified that on May 20, 2009, a male underage operative (d.o.b. 5/21/1989) entered The Banner Pub aka Hotel Thomas establishment at approximately 9:07 p.m., and ordered and paid for a Budweiser Light beer. At no point during this transaction was the underage asked for identification.

An administrative review of the file reveals that this is the first violation.

The licensee stated that his bartender thought she knew the customer and had been working as a bartender for thirty (30) years. He also stated that all of his workers were TIPS compliant.

The Commission finds the licensee in violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138, §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count), therefore, **issues a warning.**

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.

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 1st day of September 2009.

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 days of receipt of this decision.

cc: Local Licensing Board; Frederick G. Mahony, Chief Investigator; Rockland Police Department; Karl F. Stammen, Jr., Esq.; File