

*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**

**DOS NINOS, INC. DBA ANEJO MEXICAN BISTRO**  
**188 MAIN STREET**  
**FALMOUTH, MA 02540**  
**LICENSE#: 039000195**  
**HEARD: 09/04/2012**

Dos Ninos, Inc. dba Anejo Mexican Bistro (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, September 4, 2012, regarding an alleged violation of 204 CMR 2.05(2), to wit: c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Binienda's Compliance Check Field Report.

The following documents are in evidence:

1. Investigator Binienda's Compliance Check Field Report dated May 21, 2012; and
2. Licensee's Stipulation of Facts.
  - A. Roster of Employees Who Participated in TIPS On-Premises Training; and
  - B. TIPS Certificate for Christopher Joseph.

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

FACTS

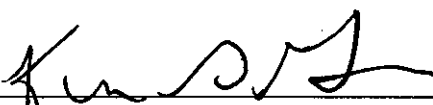
1. On Monday, May 21, 2012, at approximately 6:26 p.m., Investigators Kenny and Binienda conducted an investigation of the business operation of Dos Ninos, Inc. dba Anejo Mexican Bistro.
2. An underage operative working with investigators purchased an alcoholic beverage, a Bud beer for four dollars and eighty-one cents (\$4.81). The underage operative was not asked for identification.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: M.G.L. c. 138, §34. 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.**

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ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman  \_\_\_\_\_

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

Kathleen McNally, Commissioner  \_\_\_\_\_

Dated: September 4, 2012

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
- Jamie Binienda, Investigator
- Mark Kenny, Investigator
- Administration
- File