

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

November 27, 2012

BLER INC. DBA THE UNDERGROUND
293 COMMERCIAL STREET
PROVINCETOWN, MA 02657
LICENSE#: 100400159
VIO: 08/18/2012
HEARD: 11/20/2012

After a hearing on November 20, 2012 the Commission finds Bler Inc. dba The Underground in violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34-Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts).

The Commission **suspends the licensee's license for a total of three (3) days to be served. The suspension shall commence on Wednesday, January 9, 2013 and terminate on Friday, January 11, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 9, 2013 at 9:00 A.M. It will be returned to the licensee Saturday, January 12, 2013.

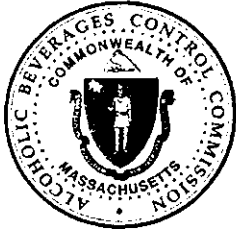
You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must 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
Jamie Binienda, Investigator
Administration
File



The Commonwealth of Massachusetts
Department of the State Treasurer
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DECISION

BLER INC. DBA THE UNDERGROUND
293 COMMERCIAL STREET
PROVINCETOWN, MA 02657
LICENSE#: 100400159
VIO: 08/18/2012
HEARD: 11/20/2012

Bler Inc. dba The Underground (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 Wednesday, November 20, 2012, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34-Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts).

Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Binienda's Report.

The following documents are in evidence:

1. Investigator Binienda's Investigative Report dated August 18, 2012;
2. Licensee's Stipulation of Facts;
3. RMV Printout of Connecticut Driver's License for M. Atkinson;
4. RMV Printout of Connecticut Driver's License for H. Basch-Gould;
5. Provincetown Police Report dated August 19, 2012 for Arrest of M. Atkinson; and
6. Provincetown Police Report dated August 19, 2012 for Arrest of H. Basch-Gould.

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

FACTS

1. On Saturday, August 18, 2012, at approximately 11:20 p.m., Investigators Keefe, Velez, and Binienda conducted an investigation of the business operation of Bler Inc. dba The Underground to determine the manner in which their business was being conducted.
2. Investigators entered the licensed premises and observed two (2) youthful looking patrons in possession of an alcoholic beverage.
3. Investigators asked the patrons for identification.
4. One patron, later identified as Ms. Hannah Basch-Gould, stated that she did not have identification on her. Investigators observed Ms. Gould holding a large wallet with several plastic cards clearly visible in it.

5. Ms. Basch-Gould then attempted to exit the premises.
6. Investigators directed Ms. Basch-Gould to stand at the bar.
7. Investigator Binienda then went outside and requested assistance from Provincetown Police Officer Rebecca Good, who was standing on Commercial Street.
8. Investigators Velez and Keefe stayed at the bar with the two (2) youthful looking patrons.
9. Investigator Binienda returned to the bar with Officer Good.
10. Investigators and Officer Good brought the two (2) individuals outside the licensed premises where it was quieter.
11. Provincetown Police Detective Richard Alves arrived at the licensed premises shortly thereafter.
12. The other female patron was identified as Ms. Mary M. Atkinson, date of birth October 14, 1993, age eighteen (18) years.
13. Investigators observed Ms. Atkinson in possession of a gin and tonic.
14. Ms. Atkinson used an Ohio Driver's License to gain entrance into the establishment. That Ohio license has the name Emma M. Atkinson, date of birth April 26, 1990, age twenty-two (22) years.
15. Ms. Atkinson stated that the bartender did not ask her for identification.
16. Investigators observed Ms. Basch-Gould in possession of a draft beer.
17. Ms. Basch-Gould used a fake Pennsylvania Identification bearing her name with date of birth February 4, 1990, age twenty-two (22) years.
18. Ms. Basch-Gould's true date of birth is February 4, 1992, age twenty (20) years.
19. Provincetown Police placed both individuals under arrest for being a minor in possession of an alcoholic beverage.
20. Investigators informed the manager on duty, Mr. Eric Hansen, of the above violation and that a report would be submitted to the Chief Investigator for further action.

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-Possession of an alcoholic beverage by a person under twenty-one (21) years of age (2 Counts). Therefore, the Commission **suspends the license for eight (8) days of which three (3) days will be served and 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

Kathleen McNally, Commissioner

Kathleen McNally

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

Susan Corcoran, Commissioner

Susan Corcoran

DATE: November 27, 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
Administration
File