

*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**

**OLD COLONIAL CORP. DBA BELL IN HAND**  
**45 UNION STREET**  
**BOSTON, MA 02114**  
**LICENSE#: 011600781**  
**VIOLATION DATE: 01/17/2014**  
**HEARD: 04/22/2014**

Old Colonial Corp. dba Bell In Hand (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, April 22, 2014, regarding an alleged violation of violated 204 CMR 2.05 (2) - Permitting an Illegality on the licensed premises, to wit: c.138, §34C- Person under the age of twenty-one (21) in possession of an alcoholic beverage (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. Investigator Temple's Violation Report dated January 17, 2014;
2. Licensee's Stipulation of Facts.

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

FACTS

1. On Friday, January 17, 2014, at approximately 9:30 p. m., Investigators Kujawski, Keefe and Temple conducted an investigation of the business operation of Old Colonial Corp. dba Bell In Hand to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises and observed a youthful looking individual, seated at the bar, who was in possession of an alcoholic beverage.
3. Investigators identified themselves and asked to see proof of legal drinking age.
4. Emily McManus, actual date of birth [REDACTED] (age 20) presented investigators with a fraudulent NY License in her name with date of birth [REDACTED] (age 22). She stated that she presented the NY License when she entered the licensed premises.
5. Investigators observed Ms. McManus in possession of a vodka and soda water. She told investigators that the bartender on duty, Shawn Murphy, had served her the alcoholic beverage.
6. Investigators asked to speak to the manager on duty.
7. Mark McHugh and Julie McGonigle approached investigators and stated that they were the managers.
8. Investigators identified the underage female to Mr. McHugh and Ms. McGonigle.

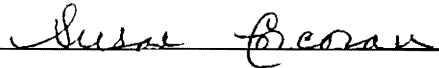
9. Investigators advised the managers of the violation and that a report would be submitted to the Chief Investigator for review.

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, §34C- Person under the age of twenty-one (21) in possession of an alcoholic beverage (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.**

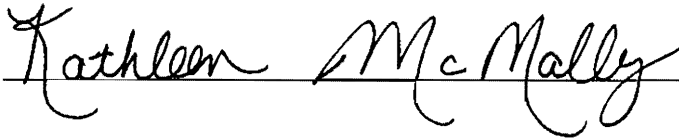
**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner



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

Kathleen McNally, Commissioner



Dated: May 16, 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  
Christopher Temple, Investigator  
Jan Kujawski, Investigator  
David G. Eisenstadt, Esq. via facsimile 617-723-5370  
Administration  
File