

Re: The Moan & Dove, Inc.
Premises: 460B West Street
City/Town: Amherst, MA 01002
License: AA Restaurant
Heard: December 15, 2006

Decision

A Commission hearing was held to determine whether The Moan & Dove, Inc 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 21 years of age.(1 Count).

The licensee stipulated to the investigator's report and the Commission finds said facts contained therein. The violation was found pursuant to a sting operation. Investigator Michael Teehan testified that pursuant to the sting operation, the operative a 19 years old, date of birth 12/27/1986, purchased a Pabst draft beer for \$2.00. The licensee did not card the operative.

Administrative review of the file indicates this is the first violation by the licensee in four years of ownership.

The Commission finds the licensee did violate Ch.138 §34- Sale of delivery of an alcoholic beverage to a person under 21 years of age and, therefore suspends the license for 4 days of which 2 will be held in abeyance for two years provided no further violation of Ch.138 or Commission regulations occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner_____

Suzanne Iannella, Commissioner_____

Dated in Boston, Massachusetts this 16th day of January 2007.

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.

RHC/kac

CC: Local Board
Chief Investigator
File