

Re: The Peiking Duck Company, Inc.
Premise: 731 Granite Street
City/Town: Braintree, MA 02184
License: AA Restaurant
Heard: April 10, 2008

DECISION

This was a hearing concerning alleged 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)*.

The licensee stipulated to the facts of the investigator's report, which stated that, an underage operative, working under the supervision of A.B.C.C. investigators ordered and was served a Budweiser. The youth, whose date of birth is September 25, 1987 (age 20), was not asked for identification.

This is the first violation of the licensee who has owned the establishment since 2001. Based on the evidence, the Alcoholic Beverages Control Commission finds that the licensee 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* and, therefore, **suspends the license for 3 days with 3 days held in abeyance for a period of one year** provided no further violations of Chapter 138 or Commission regulations occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Suzanne Iannella, 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 16th day of April 2008.

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.

SI/jf

CC: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Carl R. Johnson, III, Esq.
File