

Re: Wine & Beer at the Andovers, LLC
D/B/A: Liquor, Wine & Beer at the Andovers
Premise: 350 Winthrop Avenue
City/Town: North Andover, MA 01845
Heard: March 16, 2010

DECISION

Wine & Beer at the Andovers, LLC, D/B/A Liquor, Wine & Beer at the Andovers (“the licensee”), holds an all alcohol license pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission (“the Commission”) scheduled a hearing on March 16, 2010 regarding alleged violations of Massachusetts General Laws chapter 138, §18. Prior to the commencement of the hearing, the licensee stipulated to the facts detailed in the Investigator’s report regarding the violations that occurred between December 4, 2008 and October 26, 2009.

The following documents are in evidence:

1. Licensee Stipulation of Facts; and
2. Investigator Caroline L. Guarino-Wilichoski Report;

Facts

1. Between December 4, 2008 and October 26, 2009 Wine & Beer at the Andovers, LLC sold large quantities of alcoholic beverages on forty-one (41) different dates to Gloucester Liquors, Inc. of 711 Gloucester Crossing, Gloucester, MA.
2. On all forty-one (41) transactions, Gloucester Liquors, Inc. paid for the alcoholic beverages by a bank check. All bank checks displayed the name of Gloucester Liquors, Inc. and were paid to the order of Wine & Beer. The dollar amount of the checks ranged from, \$1,076.63 to \$9,832.67.
3. Mr. Sam Conte has an ownership interest in this license.

Conclusion

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws chapter 138, §18. The Commission **suspends the license for four (4)**

days with four (4) days held in abeyance for a period of two (2) years provided no further violations of Ch. 138 or Commission Regulations occur.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner _____

Kim S. Gainsboro, Chairman _____

Dated in Boston, Massachusetts this 25th day of March 2010.

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.

cc: Gloucester Licensing Board
Frederick G. Mahony, Chief Investigator
Stephen V. Miller, Esq.
File