

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

E.C. 31, INC. D/B/A 31 STORE
704-1 FITCHBURG STATE ROAD
ASHBY, MASSACHUSETTS 01431
LICENSE#: 003600005
HEARING HELD: 11/15/2011

E.C. 31, Inc. dba 31 Store, (the "Licensee") holds an All-Alcoholic Beverages Package Store License issued pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission ("the Commission") held a hearing on Tuesday, November 15, 2011, regarding an alleged violation of M. G. L. c. 138, §34: *Sale of Alcoholic Beverages to Persons Under Twenty-One (21) years of age*. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Paul Capurso's Compliance Check Field Report.

The following documents are in evidence as Exhibits:

1. Investigator Capurso's Compliance Check Field Report dated August 1, 2011; and
2. Licensee's Stipulation of Facts.

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

FACTS

1. On August 1, 2011, at approximately 7:10 p.m., Commission Investigators Capurso and Bailey conducted an investigation of the licensed premises operating as a package store, E.C. 31, Inc. dba 31 Store.
2. An underage operative, working with the Investigators, purchased an alcoholic beverage, a bottle of Budweiser beer, for one dollar and fifty cents (\$1.50). The underage operative was not asked to produce identification before being allowed to purchase the alcoholic beverage.
3. The underage operative who purchased the alcoholic beverage was eighteen (18) years of age.
4. At the conclusion of the presentation of the evidence, Investigator Capurso conducted an administrative review of the file. He testified before the Commission that the licensee

has owned the licensed premises for seventeen (17) years and has had no previous violations.

CONCLUSION

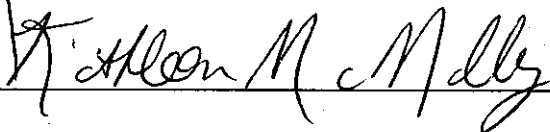
The Commission, after a hearing, finds that the Licensee has committed a violation of M. G. L. c. 138, §34. Due to the licensee's lack of violations during the past seventeen (17) years, the Commission hereby **ISSUES A WARNING TO THE LICENSEE.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Kathleen McNally, Commissioner



Dated: December 14, 2011

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
Paul Capurso, Investigator
Rose Egan-Bailey, Investigator
Administration
File