

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainboro, Esq.
Chairman

DECISION

P AND N, INC. DBA LINCOLN DISCOUNT LIQUORS
560 LINCOLN STREET
WORCESTER, MA 01605
LICENSE#: 150800239
VIOLATION DATE: 05/25/2013
HEARD: 09/17/2013

P and N, Inc. dba Lincoln Discount Liquors (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 17, 2013, regarding an alleged violation of c.138, §34 – Sale or Delivery of an alcoholic beverage to a person under 21 years of age (1 Count). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Keefe's Report.

The following documents are in evidence:

1. Investigator Keefe's Investigative Report dated May 25, 2013;
 2. Licensee's Stipulation of Facts;
 3. RMV Printout for N. Capalbo; and
 4. Photocopy of Fraudulent Connecticut Driver's License.
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- A. First Scanner Printout for Connecticut Driver's License for Alcohol Purchase; and
 - B. Second Scanner Printout for Connecticut Driver's License for Tobacco Purchase.

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

FACTS

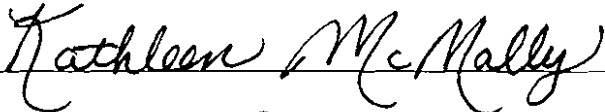
1. On Saturday, May 25, 2013, at approximately 7:08 p.m., Investigators Kujawski and Keefe investigated the business operation of P and N, Inc. dba Lincoln Discount Liquors to determine the manner in which their business was being conducted.
2. While outside of the licensed premises, investigators observed a youthful looking male subject exit the store with a 6-pack of Pabst Blue Ribbon beer, two 12-packs of Mike's Hard Lemonade, two bottles of Skyy Vodka, one bottle of Bacardi Dragon Berry rum, and one bottle of Bacardi Limon rum.
3. Investigators identified themselves to the male subject, Nicholas Capalbo, actual date of birth [REDACTED] (age 18), and asked his age.
4. Mr. Capalbo stated to investigators that he used a fraudulent identification to purchase the alcohol.


5. Mr. Capalbo gave to investigators a fraudulent Connecticut Driver's License in his name with date of birth [REDACTED] (age 21).
6. Investigators entered the licensed premises and spoke with the clerk on duty, David Garceau.
7. Mr. Garceau stated that he scanned the identification and that it came back as valid.
8. The owner of the establishment also arrived on premises.
9. Investigators informed the owner of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of c.138, §34 – Sale or Delivery of an alcoholic beverage to a person under 21 years of age (1 Count). As the licensee has been in business for twenty (20) years and has had no previous violations, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

DATE: September 17, 2013

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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File