

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

SCIBELLI'S MOBILE INC.
600 COLLEGE HIGHWAY
SOUTHWICK, MA 01077
LICENSE#: 122200034
VIOLATION DATE: 01/15//2014
HEARD: 05/13/2014

Scibelli's Mobile Inc. (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, May 13, 2014, regarding an alleged violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: c. 138, §34 Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. 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 Compliance Check Field Report dated January 15, 2014; and
2. Licensee's Stipulation of Facts.
 - A. Licensee's Identification Software Program.

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

FACTS

1. On Wednesday, January 15, 2014, at approximately 6:38 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of Scibelli's Mobile Inc.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a sixteen ounce (16 oz.) can of Budweiser Light beer for one dollar and forty cents (\$1.40). The underage operative was not asked for identification.

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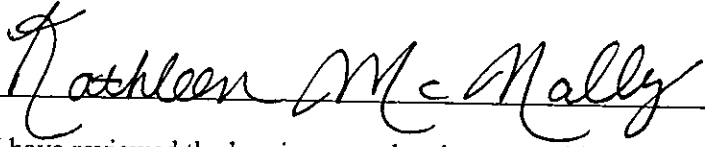
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CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. As the licensee has not had any previous violations, the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Susan Corcoran, Commissioner



Dated: May 20, 2014

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