

Re: West Newbury Food Mart, Inc.  
Premise: 275 Main Street  
City/Town: West Newbury, MA 01985  
Heard: June 4, 2009

### DECISION

A Commission hearing was held to determine whether West Newbury Food Mart, Inc. 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 (1 count).

The licensee stipulated to the facts contained in the Investigator Compliance Check Field Report dated April 16, 2009. On April 16, 2009 at approximately 5:36 p.m., an underage operative (d.o.b. 6/2/1988) entered the establishment of West Newbury Food Mart, Inc. and purchased a six-pack of Budweiser beer. At no point was the underage operative asked for any type of identification.

Counsel for the licensee presented letters to the Commission in support of the licensee's position of mitigation. One letter supports the Mart in showing that it has never had any violations. An administrative review was conducted of the licensee's file and the licensee had been in business for over 64 years without any violations. Subsequent to this violation, the licensee has sought to get his employees Server Trainer Certified around the areas of alcohol regulations, compliance checks, etc.

The 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 (2 counts) and, therefore, **issues a warning.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, 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 15<sup>th</sup> day of June 2009.

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: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Pierce J. Haley, Esq.  
File