

Re: DAXA Corp.  
d/b/a: Merrill's Superette  
Premises: 62 High Street  
City/Town: Springfield, MA 01105  
License: W & M Package  
Heard: September 15, 2009

### DECISION

A Commission hearing was held to determine whether DAXA Corp. d.b.a. Merrill's Superette was in violation of 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's Compliance Check Field Report dated July 29, 2009.

The report states on July 29, 2009 an underage operative, working with A.B.C.C. Investigators, purchased a Budweiser Light can of beer at Merrill's Superette. The young woman was not asked for identification by the store clerk prior to service.

Administrative review of the file indicates that this was the first violation by the licensee in 8 years of ownership.

The Commission finds 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 (1 count) and, therefore, **suspends the license for 3 days of which 3 days will be held in abeyance for a period of 2 years provided no further violations of Chapter 138 or Commission regulations occur.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner \_\_\_\_\_

Susan Corcoran, Commissioner \_\_\_\_\_

Dated in Boston, Massachusetts this 24<sup>th</sup> day of September 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; File