

Re: Top Services, Inc.
d/b/a: Super Liquors
Premises: 35 South Broadway
City/Town: Lawrence, MA 01843
License: AA Package
Heard: July 21, 2009

DECISION

A Commission hearing was held to determine whether Top Services, Inc. d/b/a Super Liquors violated 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, §34- Sale or Delivery of an alcoholic beverage to a person under 21 years of age.

A.B.C.C. Investigators entered their report as Exhibit 1. The report states on Friday, June 5, 2009 A.B.C.C. Investigators observed the business operation of Top Services, Inc. Investigators Wilichoski and Hitchman noticed a youthful looking male enter the establishment at 10:40 p.m. Investigator Wilichoski entered the store and observed the young man standing in the check out line in possession of alcoholic beverages. Five minutes later, the young man exited the store with a 23-year-old woman who handed the alcoholic beverages to him. The young man DOB 2/16/89 (age 20) told the investigators he purchased a 6-pack of Blue Moon Beer and 1.75 bottle of Turning Point Pinot Grigio wine by using a Vermont Driver's License bearing another person's name. He paid for the beverages and the clerk asked another customer Ms. Encaracion to carry the beverages out for him.

Store clerk Saramony Eng testified she refused to sell alcohol to the young man and he left the store. She stated her sale of a 6-pack of Blue Moon Beer and Pinot Grigio was to a 23 year old woman.

The surveillance videotape (Exhibit C) corroborates the Investigators report and refutes the testimony of Saramony Eng.

The Commission finds the licensee violated 204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138, §34- Sale or Delivery of an alcoholic beverage to a person under 21 years of age and, therefore, **suspends the license for 7 days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner_____

Susan Corcoran, Commissioner_____

Dated in Boston, Massachusetts this 19th day of November 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
Salim R. Tabit, Esq.
File