

Re: N. Frank, Inc.
dba: Frank's Package Store
Premise: 11 Dickinson Street
City/Town: Springfield, MA 01108
Heard: March 30, 2010

DECISION

N. Frank, Inc., dba Frank's Package Store ("Frank's" or "the licensee"), holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §15. The Alcoholic Beverages Control Commission ("the Commission") held a hearing on March 30, 2010 regarding an alleged violation of Massachusetts General Laws c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Jamie Binienda's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report of Investigator Jamie Binienda.

There is one (1) tape of this hearing.

Facts

1. On Wednesday, February 3, 2010 at approximately 5:51 p.m., Commission investigators along with the Springfield Police conducted a Minimum Age Purchase Law Compliance Check at Frank's Package Store.
2. An underage operative, working with the investigators, purchased a 6-pack of Bud Light for \$6.83. The male store clerk on duty did not ask the operative for identification.

Conclusion

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for 4 days.**

The licensee had a similar violation in 2008, which resulted in a Commission decision dated June 16, 2008 suspending the license for three (3) days of which those three (3) days would be held in abeyance for a period of two (2) years provided no further violation occurred. This current violation occurred within the probationary period,

therefore the suspended three (3) days must be served resulting in a **total suspension of seven (7) days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____

Susan Corcoran, Commissioner _____

Robert H. Cronin, Commissioner _____

Dated in Boston, Massachusetts this 31st day of March 2010.

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: Springfield Licensing Board
Frederick G. Mahony, Chief Investigator
File