

Re: Dennis John McNicholas
dba: Plaza Package Store
Premises: 115 Samoset Street
City/Town: Plymouth, MA 02360

DECISION

Dennis John McNicholas dba Plaza Package Store. (“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 June 15, 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 Brad Doyle’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 Brad Doyle;

There is one (1) tape of this hearing.

Facts

1. On February 17, 2010 at approximately 7:24 p.m., Commission investigators conducted a Minimum Age Purchase Law Compliance Check at the licensed premises of Dennis John McNicholas.
2. An underage operative, working with the investigators, purchased a Bud Light 6-pk of mini-bottles for \$5.08. The underage operative was not asked for identification.
3. Administrative review of the licensee’s file indicates this was the first violation by the licensee since being licensed in 1986.

Conclusion

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **issues a warning**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner _____

Susan Corcoran, Commissioner _____

Dated in Boston, Massachusetts this 22nd day of June 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: Plymouth Licensing Board
Frederick G. Mahony, Chief Investigator
File