

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF SUSPENSION

August 16, 2012

JAKELYNN, INC. DBA HERMAN ALEXANDERS
24 LYMAN ST.
PITTSFIELD, MA 01201
LICENSE#: 097400037
HEARD: 07/31/2012

After a hearing on July 31, 2012, the Commission finds Jakelynn, Inc. dba Herman Alexanders in violation of Ch. 138 §23- Sale of Alcoholic Beverages other than those Purchased from a Licensee Under §18 or §19 or from a Holder of a Special License Under §22A (20 Counts). The Commission **suspends the licensee's license for a total of ten (10) days.**

As the licensee is currently serving an indefinite suspension pursuant to the Local Board's decision dated May 18, 2012, which is based upon the same investigation, the suspension of ten (10) days ordered shall be served concurrently with the Local Board's suspension which began on May 15, 2012.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

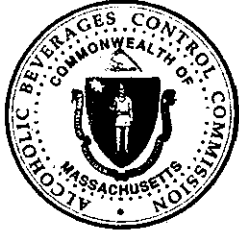
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

- cc: Local Licensing Board
- Frederick G. Mahony, Chief Investigator
- Jan Kujawski, Investigator
- Robert Sullivan Jr., Esq., via Facsimile
- Administration
- File

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The Commonwealth of Massachusetts
Department of the State Treasurer
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Steven Grossman
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DECISION

JAKELYNN, INC. DBA HERMAN ALEXANDERS
24 LYMAN ST.
PITTSFIELD, MA 01201
LICENSE#: 097400037
HEARD: 07/31/2012

Jakelynn, Inc. dba Herman Alexanders (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, July 31, 2012, regarding an alleged violation of Ch. 138 §23- Sale of Alcoholic Beverages other than those Purchased from a Licensee Under §18 or §19 or from a Holder of a Special License Under §22A (20 Counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kujawski's Report.

The following documents and physical items are in evidence:

1. Investigator Kujawski's Investigative Report dated April 27, 2012;
2. Licensee's Stipulation of Facts;
3. Photocopy of Receipts from George's Package Store;
4. Photographs of Individual Carrying Liquor into Licensed Premises; and
5. Twenty (20) Bottles of Alcoholic Beverages.

There is one (1) audio recording of this hearing.

FACTS

1. On Friday, April 27, 2012, at approximately 11:30 p.m., Chief Investigator Mahony, with Investigators Keefe, Temple, and Kujawski conducted an investigation of Jakelynn, Inc. dba Herman Alexanders to determine the manner in which their business was conducted.
2. This investigation was part of an Enhanced Liquor Enforcement Operation with the Massachusetts State Police, Pittsfield Police Department, and Berkshire County Sheriff's Office.
3. Investigators entered the licensed premises and spoke to the bartender on duty, Ms. Susan "Sue" Pulasky.
4. Investigators inspected the bar area and observed twenty (20) bottles of alcohol with package store labels, some of which were whole, partially torn, or affixed with glue.

5. Investigators took these 1.75 liter bottles into evidence:

- a. Bacardi Rum;
- b. Captain Morgan Spiced Rum;
- c. Dekuyper Amaretto Liquor;
- d. Dekuyper Buttershots Butterscotch Schnapps;
- e. Dekuyper Peachtree Schnapps;
- f. Hiram Walker Melon Liquor;
- g. Hiram Walker Triple Sec Liquor;
- h. Jack Daniels Tennessee Whiskey;
- i. Jim Bean Kentucky Bourbon Whiskey;
- j. Jose Cuervo Gold Tequila;
- k. Leroux Blackberry Flavored Brandy;
- l. Pinnacle Whipped Cream Flavored Vodka;
- m. Pinnacle Gummy Flavored Vodka;
- n. Romana Sambuca Liquor;
- o. Romana Sambuca Liquor;
- p. Grape Vodka;
- q. Smirnoff Orange Vodka;
- r. Smirnoff Raspberry Vodka;
- s. Smirnoff Vanilla Vodka; and
- t. Yukon Jack Liquor.

6. Investigators recovered receipts from George's Package Store that indicated the alcohol had been purchased, and the sales totaled to three hundred seventy dollars and forty-three cents (\$370.43).
7. Pittsfield Police Department provided photographs of an individual bringing alcohol products into the licensed premises.
8. The manager of record, Mr. Mitchell Grossjung, admitted that he purchased alcohol from a package store.
9. Investigators informed Mr. Grossjung of the violation and that a report would be submitted to the Chief Investigator for further action.

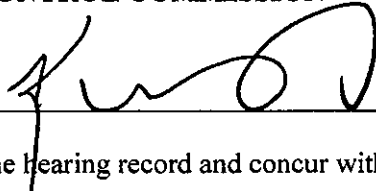
CONCLUSION

Based on the evidence, the Commission finds the licensee violated of Ch. 138 §23- Sale of Alcoholic Beverages other than those Purchased from a Licensee Under §18 or §19 or from a Holder of a Special License Under §22A (20 Counts). Therefore, the Commission **suspends the license for ten (10) days.**

As the licensee is currently serving an indefinite suspension pursuant to the Local Board's decision dated May 18, 2012, which is based upon the same investigation, the suspension of ten (10) days ordered shall be served concurrently with the Local Board's suspension which began on May 15, 2012.

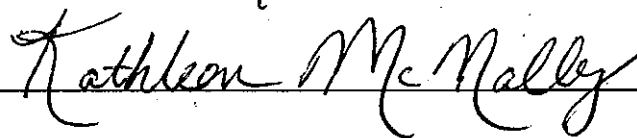
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman _____



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kathleen McNally, Commissioner _____



DATE: August 16, 2012

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 (30) days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Jan Kujawski, Investigator
Robert Sullivan Jr., Esq., via Facsimile
Administration
File