



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

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

ONIBELLA, INC. DBA FOREST HILL MART
18-24 HYDE PARK AVENUE
BOSTON, MA 02130
LICENSE#: 011600992
HEARD: 09/11/2012

Onibella, Inc. dba Forest Hill Mart (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, September 11, 2012, regarding an alleged violation of 204 CMR 2.05(2), to wit: c.138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Carey's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Carey's Compliance Check Field Report dated June 4, 2012.

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

FACTS

1. On Monday, June 4, 2012, at approximately 5:32 p.m., Investigators Carey and Teehan conducted an investigation of the business operation of Onibella, Inc. dba Forest Hill Mart.
2. An underage operative working with investigators purchased an alcoholic beverage, a twenty-four ounce (24 oz.) container of Bud beer for two dollars and eighty cents (\$2.80). The underage operative was not asked for identification.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: M.G.L. c. 138, §34. Therefore, the Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

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ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

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

Kim S. Gainsboro, Chairman *Kim S. Gainsboro*

Dated: September 11, 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
Jack Carey, Investigator
Michael Teehan, Investigator
Administration
File