

*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**

**COMMUNITY BROTHERHOOD OF LYNN, INC.**  
**15 COBURN STREET**  
**LYNN, MA 01902**  
**LICENSE#: 063800150**  
**VIOLATION DATE: 03/14/2013**  
**HEARD: 05/28/2013**

Community Brotherhood of Lynn, Inc. (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, May 28, 2013, regarding an alleged violation of M.G.L. c.138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (32 counts). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Kelleher's Report.

The following documents are in evidence:

1. Investigator Kelleher's Violation Report dated March 14, 2013;
2. Licensee's Stipulation of Facts;
3. Box 1 containing Bottles of Alcohol;
4. Box 2 containing Bottles of Alcohol; and
5. Box 3 containing Bottles of Alcohol [Total of 32 Bottles of Alcohol in 3 Boxes].

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

**FACTS**

1. On Thursday, March 14, 2013, at approximately 7:30 p.m., Investigators Capurso and Kelleher investigated the business operation of Community Brotherhood of Lynn, Inc. to determine the manner in which their business was being conducted, and to investigate a complaint filed with this Commission.
2. Investigators entered the premises and spoke to man behind the bar who identified himself as the manager, Charles Rocker.
3. Investigators spoke to Mr. Rocker about the complaint.
4. Mr. Rocker responded that he has been purchasing liquor and beer at several local liquor stores until he can "get off the delinquency list" with the distributors.
5. Investigators then inspected the bar and storage areas of the licensed premises.

1767 14/13


1

6. In the storage area behind the bar, investigators located 21 bottles of liquor, which appeared, based on their training and experience, to have the presence of price tag glue residue on the bottles. These bottles were taken as evidence:
  - o Absolut Vodka
  - o Bacardi Rum (2 bottles)
  - o Bailey's Irish Cream Liqueur
  - o Beefeater Gin
  - o Canadian Club Whiskey
  - o Chivas Regal Scotch
  - o Ciroc Red Berry Vodka
  - o Clos de los Siete Red Wine
  - o Coffee Brandy
  - o Dewars Whiskey
  - o E & J Brandy
  - o Grey Goose Vodka
  - o Jack Daniels Whiskey
  - o Jose Cuervo Tequila
  - o Kahlua
  - o Midori Melon Liqueur
  - o Parrott Bay Rum
  - o Seagram's 7 Whiskey
  - o Stolichnaya Vodka
  - o Wray & Nephew White Rum
  - o Yellow Tail Moscato
  - o Yellow Tail Moscato
7. Investigators then conducted an inspection of the storage room which was located next to the main bar area. They found more bottles with visible price tag label residue and/or price tag labels. These bottles were taken as evidence:
  - o Beringer White Zinfandel
  - o Ciroc Peach flavored Vodka
  - o Dewars Whiskey
  - o Malibu Rum
  - o Smirnoff Vodka
  - o Stolichnaya Vodka
8. Investigators then conducted an inspection of the function room bar area, which was located on the second floor of the licensed premises. Investigators identified bottles which contained price label sticker glue residue and took those bottles as evidence:
  - o Chivas Regal Whiskey
  - o Ciroc Peach Flavored Vodka
  - o DeKyper Peach Schnapps
  - o Stolichnaya Vodka
9. Investigators asked if the bottles taken as evidence were bought at a liquor store. Mr. Rucker responded in the affirmative.
10. Investigators informed Mr. Rucker of the violation and that a report would be filed with the Chief Investigator.

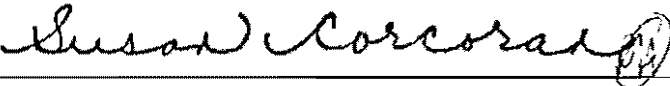
CONCLUSION

Based on the evidence, the Commission finds the licensee violated M.G.L. c.138 §23- Sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A (32 counts). Therefore, the Commission **suspends the license for ten (10) days of which ten (10) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kathleen McNally, Commissioner 

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

Susan Corcoran, Commissioner 

DATE: May 30, 2013

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  
Tara Kelleher, Investigator  
Paul Capurso, Investigator  
Administration  
File