

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

September 3, 2013

FOOD EMPORIUM, INC. DBA CONVENIENCE PLUS
1480 BROADWAY ROAD
DRACUT, MA 01826
LICENSE#: 029200045
VIOLATION DATE: 05/22/2013
HEARD: 09/03/2013

After a hearing on September 3, 2013, the Commission finds Food Emporium, Inc. dba Convenience Plus in violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age.

The Commission **suspends the licensee's license for a total of two (2) days to be served. The suspension shall commence on Wednesday, October 23, 2013 and terminate on Thursday, October 24, 2013.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, October 23, 2013 at 9:00 A.M. It will be returned to the licensee Friday, October 25, 2013.

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.

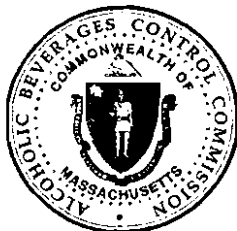
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
 Chairman

cc: Local Licensing Board
 Frederick G. Mahony, Chief Investigator
 Timothy Hooton, Investigator
 Caroline Guarino-Wilichoski, Investigator
 Administration
 File

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

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DECISION

FOOD EMPORIUM, INC. DBA CONVENIENCE PLUS
1480 BROADWAY ROAD
DRACUT, MA 01826
LICENSE#: 029200045
VIOLATION DATE: 05/22/2013
HEARD: 09/03/2013

Food Emporium, Inc. dba Convenience Plus (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 3, 2013, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Hooton's Report.

The following documents are in evidence:

1. Investigator Hooton's Compliance Check Field Report dated May 22, 2013; and
2. Licensee's Stipulation of Facts.

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

FACTS

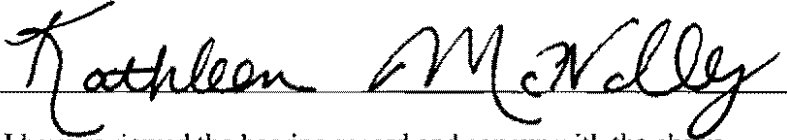
1. On Wednesday, May 22, 2013, at approximately 6:19 p.m., Investigators Guarino-Wilichoski and Hooton conducted an investigation of the business operation of Food Emporium, Inc. dba Convenience Plus.
2. An underage operative working with investigators purchased an alcoholic beverage, a 24 ounce can of Budweiser Light beer, for two dollars and fifty cents (\$2.50). The underage operative was not asked for identification.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2) Permitting an Illegality on the licensed premises, to wit: c. 138 §34 Sale or Delivery of an Alcoholic Beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for four (4) days of which two (2) days will be served and two (2) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

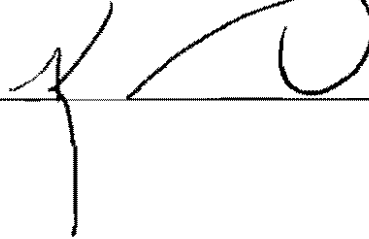
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



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

Kim S. Gainsboro, Chairman



Dated: September 3, 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
Timothy Hooton, Investigator
Caroline Guarino-Wilichoski, Investigator
Administration
File