



*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**

**DRAKE PETROLEUM CO, INC. DBA XTRA MART**  
**94-96 MAIN ST**  
**SPENCER, MA 01562**  
**LICENSE#: 122400019**  
**VIOLATION DATE: 06/24/2013**  
**HEARD: 10/29/2013**

Drake Petroleum Co, Inc. dba Xtra 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, October 29, 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 Velez's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Velez's Compliance Check Field Report dated June 24, 2013.
  - A. Licensee's Alcohol Training Policies and Training Certificates for Employees.

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

FACTS

1. On Monday, June 24, 2013, at approximately 5:20 p.m., Investigators Binienda and Velez conducted an investigation of the business operation of Drake Petroleum Co, Inc. dba Xtra Mart.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a 6-pack of Budweiser Light beer for six dollars and twenty-nine cents (\$6.29). The underage operative was not asked for identification.

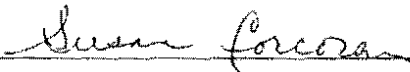
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CONCLUSION

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. As the licensee has been in business for more than twenty (20) years and has had no previous violations, the Commission issues a **WARNING**.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner 

Kathleen McNally, Commissioner 

Dated: October 29, 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  
Nicholas Velez, Investigator  
Jamie Binienda, Investigator  
Frank Eastman, Esq. via Facsimile 781-245-9001  
Administration  
File