

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

ROSEMARY FLYNN DBA FLYNN'S WINE & SPIRITS
81 SCHOFIELD AVE.
DUDLEY, MA 01571
LICENSE#: 029600014
VIOLATION DATE: 06/24/2013
HEARD: 12/03/2013

Rosemary Flynn dba Flynn's Wine & Spirits (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, December 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 Keefe's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Investigator Keefe's Compliance Check Field Report dated June 24, 2013.

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

FACTS

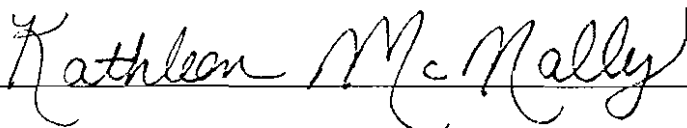
1. On Monday, June 24, 2013, at approximately 6:20 p.m., Investigators Kujawski and Keefe conducted an investigation of the business operation of Rosemary Flynn dba Flynn's Wine & Spirits.
2. An underage operative, working with investigators, purchased an alcoholic beverage, a can of Budweiser Light beer for two dollars and fifty cents (\$2.50). 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. 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.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner 

Susan Corcoran, Commissioner 

Dated: December 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
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File