

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

LA-BELLE MANAGEMENT LLC DBA CARDOZA'S WINE & SPIRIT
154 FAUNCE CORNER ROAD
DARTMOUTH, MA 02747
LICENSE#: 026600082
VIOLATION DATE: 09/19/2014
HEARD: 12/16/2014

La-Belle Management LLC dba Cardoza's Wine & Spirit (the "Licensee") holds an alcohol beverage license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 16, 2014, regarding the alleged violation of M.G.L. c. 138, §34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). 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. Investigator Velez's Investigative Report dated September 19, 2014;
 2. Licensee's Stipulation of Facts;
 3. RMV Printout for T. Sousa; and
 4. RMV Printout for B. Bruhn.
- A. Town of Dartmouth "Training for Alcohol License Holders"

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

FACTS

1. On Friday, September 19, 2014, at approximately 7:00 p.m., Investigators Binienda and Velez investigated the business operation of La-Belle Management LLC dba Cardoza's Wine & Spirit to determine the manner in which its business was being conducted.
2. Investigators conducted surveillance outside the licensed premises and observed two youthful looking individuals (one male and one female) exit the premises.
3. Investigators observed the male individual carried a 12-pack of Shocktop beer and a brown paper bag which was found to contain one 750 ml bottle of Bacardi Wolf Berry rum.
4. Investigators asked the male individual for identification. He supplied a Connecticut Driver's License in his name, Tyler Sousa, with date of birth [REDACTED] (age 22).
5. Investigators asked the female individual for identification. She supplied a Connecticut Driver's License in the name of Vrianna Bruhn, date of birth [REDACTED] (age 21).
6. Investigators examined the Connecticut Driver's Licenses, and based on their training and experience, determined that both were fraudulent.

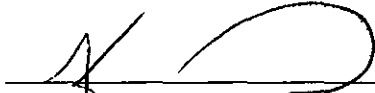
7. Investigators then asked the individuals for their true identities, and they each presented investigators with a Massachusetts Driver's License.
8. Tyler Sousa, actual date of birth [REDACTED] (age 20), and Brianna Bruhn, actual date of birth [REDACTED] (age 19).
9. Investigators identified Mr. Sousa to the clerk on duty, Simone Longoria.
10. Investigators informed Ms. Longoria of the violation and that a report would be filed with the Chief Investigator for further action.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated of M.G.L. c. 138, §34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age (1 Count). 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

Kim S. Gainsboro, Chairman



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

Susan Corcoran, Commissioner



Dated: December 16, 2014

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
Administration
File