

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

Deborah B. Goldberg
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

ANDY'S VARIETY, INC.
11 MILK STREET
WESTBOROUGH, MA 01581
LICENSE#: 143800021
VIOLATION DATE: 04/28/2015
HEARD: 09/15/2015

Andy's Variety, Inc. (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 15, 2015, regarding an alleged violation of 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. 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. Investigator Keefe's Compliance Check Field Report dated April 28, 2015;
2. Licensee's Stipulation of Facts;
3. Photograph of Underage Operative; and
4. Twelve Ounce (12 oz) Can of Budweiser Beer Purchased by Underage Operative.

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

The Commission took Administrative Notice of the Licensee's record.

FACTS

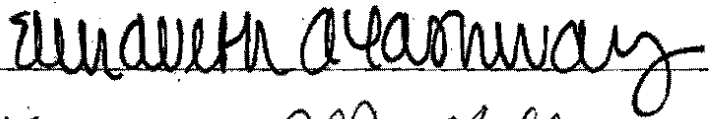
1. On Tuesday, April 28, 2015, at approximately 6:37 p.m., Investigators Keefe and Kujawski ("Investigators") conducted an investigation of the business operation of Andy's Variety, Inc.
2. While on the licensed premises an underage operative working with Investigators purchased from the Licensee an alcoholic beverage, a twelve ounce (12 oz.) can of Budweiser beer for one dollar and thirty- nine cents (\$1.39). The underage operative was not asked for identification.

CONCLUSION

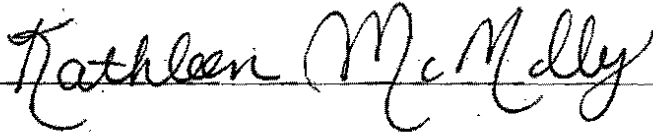
Based on the evidence, including the Licensee's stipulation to the facts and violation, the Commission finds the Licensee violated 204 CMR 2.05 (2) - Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, §34 - Sale or delivery of an alcoholic beverage to a person under twenty-one (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

Elizabeth A. Lashway, Commissioner



Kathleen McNally, Commissioner



Dated: September 15, 2015

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.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Dennis Keefe, Investigator
Jan Kujawski, Investigator
Administration
File