

Re: Foodmaster Super Market, Inc.
dba Johnnie's Foodmaster
Premises: 47-49 Beacon Street
City/Town: Somerville, MA 02145
Licensee: WMP
Heard: February 28, 2006

DECISION

This was a hearing concerning alleged violation of 204 CMR 2.05 (2) permitting an illegality on the licensed premises, to wit: Ch.138, §34 sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

The licensee stipulated to the facts of the investigator's report which stated that an underage operative, working under the supervision of ABCC investigators ordered and paid \$5.79 for a 6 pack of Bud light.

Charles Napier, the director of Johnny's stated that all employees must card everyone. The clerk, who did not card the minor, was written up and suspended and retrained. A review of the file indicates that the licensee has not had any previous violations with the Commission. Based on the evidence, the Alcoholic Beverages Control Commission finds that the licensee violated 204 CMR 2.05 (2) permitting an illegality on the licensed premises, to wit: Ch.138, §34 sale or delivery of an alcoholic beverage to a person under twenty-one years of age and, **suspends the license for a period of 6 days of which 6 days will be suspended for a period of 1 year as long as no other violations of c138 or Commission regulations are found within one year.**

Alcoholic Beverages Control Commission

Suzanne Iannella, Commissioner _____

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

Robert H. Cronin, Commissioner _____

Dated at Boston, Massachusetts this 8th day of March 2006.

You have the right to appeal this decision to the Superior Court under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: Local Board
Chief Invest.
File