

Re: Kenyon's Market, Inc.
d.b.a.: Kenyon's Market
Premise: 769 East Falmouth Highway
City/Town: Falmouth, MA 02536
License: AA Package
Heard: July 29, 2008

DECISION

A Commission hearing was held to determine whether Kenyon's Market, Inc. d.b.a. Kenyon's Market 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 (1 count)*.

The licensee stipulated to the facts contained in the investigator's report dated May 21, 2008.

The report states on May 21, 2008 A.B.C.C. investigators observed the business operation of Kenyon's Market, Inc. They approached a young man, d.o.b. August 19, 1988 (age 19), who had just purchased a Box of Almaden Wine, 1 bottle of Admiral Nelsons Rum, and 1 bottle of Rubinoff Vodka. The young man had used a fake New York driver's license to purchase the alcohol.

Administrative review of the file indicates this was the first violation by the licensee in 30 years of ownership.

The Commission finds the licensee violated Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count) and, therefore, **issues a warning**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner _____

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

Suzanne Iannella, Commissioner _____

Dated in Boston, Massachusetts this 5th day of August 2008.

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 days of receipt of this decision.

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
File