

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

DARSHAN PATEL DBA ASHBURNHAM MARKET PLACE
REAR MAIN STREET
ASHBURNHAM, MA 01430
LICENSE#: 003400010
VIOLATION DATE: 05/28/2015
HEARD: 08/18/2015

Darshan Patel dba Ashburnham Market Place (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, August 18, 2015, 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 Doyle's Report.

The following documents are in evidence:

1. Investigator Doyle's Compliance Check Field Report dated May 28, 2015; and
2. Licensee's Stipulation of Facts.
3. ABCC's 2015 Compliance Check Guidelines; and
4. Photograph of Underage Operative.

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

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

FACTS

1. On Thursday, May 28, 2015, at approximately 7:35 p.m., Investigators Bailey and Doyle conducted an investigation of the business operation of Darshan Patel dba Ashburnham Market Place.
2. While on the licensed premises an underage operative working with investigators purchased from the Licensee an alcoholic beverage, a twenty-five ounce can of Budweiser Light Strawberry-Rita with Lime malted beverage, for two dollars and ninety-nine cents (\$2.99). The underage operative was not asked for identification.

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

Elizabeth Lashway, Commissioner 

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

Kim S. Gainsboro, Chairman 

Dated: August 18, 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.

- cc: Local Licensing Board.
Frederick G. Mahony, Chief Investigator
Brad Doyle, Investigator
Rose Bailey, Investigator
Administration
File